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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 January 1990, at 10.25 a.m.

Chairman: Mr. BADAWI EL SHEIKH

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Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

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GE.90-15195/1551B

13. Lastly, the General Act on the Ecological Balance and Protection of the Environment, which had entered into force in March 1988, laid the basis for an integrated ecological policy.

14. In general, the economic crisis had not prevented the Mexican Government from striving to improve general welfare and social development. However, much still remained to be done. Since growth was indispensable for raising the standard of living, accelerated development was vital. Moreover, the international community had recognized the right to development as an inalienable human right, and equality of opportunity for development as a prerogative both of nations and of individuals who made up nations. Mexico believed in the political and moral force of the Declaration on Social Progress and Development and the Declaration on the Right to Development which specified the fundamental prerequisites for achieving economic, social and cultural rights and the right to an adequate standard of living, based on the right of peoples to self-determination and on respect of national sovereignty.

15. Turning to section I in the list of questions drawn up by the pre-sessional Working Group (E/C.12/1990/Misc.10), in answer to the first question (the incorporation of the Covenant in domestic legislation) she quoted article 133 of the Mexican Constitution which stated that the Constitution and "... all treaties in accordance therewith already entered into or which, in the future, may be entered into by the President of the Republic, with the approval of the Senate, shall be the Supreme Law of the Land". The provisions of the Covenant therefore had force of law.

16. In answer to the second question (the contribution made by Official Development Assistance or international co-operation to economic, social and cultural programmes), she said that many international aid programmes which had been implemented in Mexico, particularly by UNDP, WFP, UNESCO, UNFPA and the United Nations Fund for Drug Abuse Control, contained significant components geared to the economic, social and cultural rights of various population groups: children, women in rural areas and people living on the fringe of society. Total multilateral aid amounted to some $90 million per annum, while annual investments by the Government totalled several tens of millions of dollars. The aim of all those programmes was not only to encourage the broad application of the rights established in the Covenant, but also to give them practical effect in their various guises within Mexican society.

17. On the subject of the fourth question (the impact of the external debt on the enjoyment of the rights in question), she acknowledged that the 1989 budget deficit of $5 billion was hindering the realization of social programmes. The external debt had caused a falling-off in investment, wages and the general standard of living, while the drop in oil prices and the rise in interest rates had upset the balance of payments. However, in accordance with the aforementioned article 3 of the Mexican Constitution, the public authorities, particularly at the local level, were ensured that the most disadvantaged members of the population had access to services and aid which would allow their basic needs to be met and allow them to exercise, for example, their right to adequate food. The right to health protection was also guaranteed by the Constitution, and cultural and sports programmes had been introduced. Considerable progress had been achieved in that area.

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18. Regarding the fifth question (the effects of the Covenant in practice), she thought it was very difficult to distinguish between the effects of the Covenant and the effects of social legislation (laws on land, employment, etc.), enacted well before the Covenant was ratified.

19. In answer to the sixth question she explained that the Economic Solidarity Agreement mentioned in paragraph 23 of the report was an agreement between representatives of the three sectors - the public sector, workers (industrial and rural) and private enterprises - aimed at curbing inflation, which was running at an annual level of 160 per cent in 1987, and combating deteriorating working conditions. Each sector had made concessions and had committed itself to moderating its demands and accepting vital rationalization measures.

20. Regarding the decrease in the population growth rate (seventh question), she explained that, since 1974, reforms had been introduced in order to combat discrimination against women. The right to space out births, for example, had been written into the Constitution, and a National Population Council had been set up with, inter alia, the task of encouraging family planning. That was the probable explanation for the drop in the annual rate of population growth which had fallen from 3.8 per cent in 1975 to 2.5 per cent in 1989. National campaigns, stressing the need for a responsible attitude towards procreation, had also been implemented. Lastly, since 1980, the Constitution obliged both parents to protect the physical and mental health of their children.

21. Turning to section II of the list of questions and in answer to the first question (the treatment of drug addiction), she said that the problem lay primarily within the scope of the health sector. A National Council Against Drug Addiction had been created in 1986 specifically to co-ordinate action by the central Government, the federal and local authorities. Civil associations were also participating in the campaign. The disintegration of the family unit was one of the causes of drug addiction. The percentage of drug addicts was higher in Mexico than in most industrialized countries, and drug addiction had serious consequences for children and adolescents: juvenile delinquence, truancy, "street children" and drug trafficking. The sniffing of certain substances which had irreversible effects was a trend that had spread among the lower-income groups. A campaign against that type of drug addiction amongst street children had been organized, and the sale of solvents, glues and varnishes to children under 18 years old had been banned. Several establishments such as the Juan Navaro Hospital and the General Hospital had special detoxication services for minors.

22. With regard to the second question concerning paragraph 57 of the report, she explained that the right to housing was not restricted to persons of Mexican nationality (which would be contrary to article 1 of the Constitution), but that, under article 27 of the Constitution, the nation had the right to impose on private property such limitations as the public interest might demand, particularly regarding the ownership of natural resources. In any case, it was not forbidden for a foreigner to own land or property in Mexico except in coastal and border areas.

23. In answer to both the fifth question in section II and the eighth question in section III (the rights of people granted asylum in Mexico and the rights recognized to refugees), she said that, since the General Population Act did not yet grant immigrant status to refugees, refugees received papers

designating them as tourists, when crossing the border. That was one of the reasons why Mexico had still not yet acceded to the 1951 Convention relating to the Status of Refugees. However, there were plans to change the law in order to give immigrant status to people who had been granted asylum.

24. In 1984, there had been 46,000 refugees, mostly Guatemalans in Mexico. All Mexican-born children of refugees could obtain Mexican citizenship.

25. The broad lines of Government policy towards refugees consisted in providing the same aid to refugees as to Mexican nationals and using international aid (in particular from the Office of the United Nations High Commissioner for Refugees) and funds from the Mexican Commission for Aid to Refugees to finance appropriate programmes.

26. The Government was also endeavouring to persuade refugees who had settled in border areas to return to their countries of origin or to settle in other parts of Mexico.

27. The State was endeavouring to provide the means of production or salaried jobs to refugees, so that they would not be a burden on society. For example, many refugees were being employed in restoring archaeological monuments or on farms.

28. Nevertheless, the situation continued to cause concern on the southern border where the presence of a refugee population which refused to be moved was giving rise to security, food, health and education problems.

29. With regard to the sixth question in section II concerning the indigenous population, she explained that there were 56 ethnic minorities in Mexico, located throughout the country, and accounting for 9 per cent of the total population. Those indigenous people lived mostly in rural areas, but they were to be found in increasing numbers in the towns, where they enjoyed the same social security benefits as other citizens. In addition, the National Institute for Indigenous Affairs was implementing programmes designed to preserve the culture, traditions and values of those groups.

30. In answer to the seventh question in section II (regulation for domestic employees), she said that articles 331 and 343 of the Federal Labour Act laid down the conditions for the employment of domestic workers. Those provisions specified that an employer was required to house his employees in suitable conditions, provide adequate and healthy food, offer working conditions that did not endanger their life or health, see to their education, treat them properly, and pay them a wage in the event of illness. An employee was required to give one week's notice before leaving a job and the employer was required to give one month's notice. Lastly, domestic employees could be affiliated to the voluntary social security system.

31. With regard to the eighth question, she said that mother and child care came under the National Health System and that the appropriate benefits were extended to women working in the informal sector of the economy. Despite greater participation by women in the various spheres of national life, there was still a certain amount of inequality regarding opportunities for participating in political and social activities. The Government had therefore decided to encourage the integration of women in national development by including a chapter on the subject in the National Development Plan for 1989-1994.

32. Regarding the ninth question, she said that, in general, all families from the disadvantaged classes or fringe areas of the country had access to the National System for Integrated Development of the Family which covered a number of areas: the prevention of handicaps, the rehabilitation of handicapped persons, education in nutrition and complementary food, family integration, the responsibilities of fathers, care for children and minors, the regulation of the employment of minors and the treatment of young offenders. The system also made an important contribution to efforts made by the Secretariat for Foreign Affairs to prevent young Mexicans attempting to emigrate to the United States from falling into the hands of drug traffickers, looking for drug smugglers and peddlers.

33. Turning to the first question in section III (trade union shops), she explained that they had been created by unions in order to supply their members with quality products at modest prices. They were treated on the same footing as non-profit-making enterprises, subsidized partly by the Central Government and partly by the Federate States and also enjoyed certain tax benefits.

34. In answer to the second question in section III (the definition of "communes" and "communities"), she referred to article 27 of the Mexican Constitution which defined three types of land ownership: public property, private property and social property. The third category did not belong to individuals but to collective groups who were protected by legislation. The ejidos, or communes, and the "communities" were part of that system of social property.

35. Ejidos were assigned by presidential decree to groups or communities on condition that they had no land and water at all or only inadequate amounts, and that the group in question numbered between 10 and 20 people. The land was worked collectively. The rights of the beneficiaries were untransferable, inalienable and imprescriptible.

36. "Communities" were usually made up of indigenous people or peasants who had held land, woods or water resources in common over a long period of time. They were treated as collective owners under agrarian law. The communities' property was governed by article 167 of the Agrarian Reform Act which also specified conditions for working the land.

37. With regard to the sixth question which stated that the Constitution recognized the right to housing as a family right, not as an individual right, she said that in effect the right to housing was an individual right and not a family one. Article 4 (4) of the Constitution, which recognized the right of the family to housing, should be read in the light of article 4 (1), which specified that the organization and formation of the family was protected by law. It was true that Mexican legislation gave preference to families, but it certainly did not exclude individuals from public housing programmes.

38. The exercise of the right dealt with in question 9 (the right to clothing) was one of the objectives of development programmes. The private sector, and particularly State public entities, were endeavouring to make all essential goods, including clothing, available to low-income groups. For example, the activities of the National Popular Necessities Company included offering inexpensive clothing for sale to very low-income groups and urban fringe populations throughout the country.

39. In answer to various other questions on the right to housing, she said the housing problem was above all one of quality. The current shortage (some 6.1 million homes) was largely due to the fact that a significant proportion of the housing stock, particularly in rural areas and on the outskirts of cities such as Mexico City, Guadalajara and Monterrey, was old, inadequately equipped or did not conform to building standards. Major efforts would therefore be needed to modernize and equip housing and, at the same time, build more than 1.6 million new housing units by 1994 in order to cope with population growth.

40. The causes of the housing problem were mainly structural. Several factors were involved, primarily the movement from the land and the migration of the population from small- and medium-size towns to large cities. Those phenomena were the root causes of the high population growth rate in northern urban centres, around major built-up areas and tourist and industrial development centres. The fact that, lacking sufficient resources, the public authorities at all levels had not been able to establish the infrastructures, public services and vital urban facilities as rapidly as the accelerated expansion of towns required, had also played a part. Further, inexpensive land was scarce on the outskirts of towns, while extensive developed areas in the centre of major towns and cities were under-utilized, and there were not enough funds to finance public housing aid programmes, particularly those designed for low-income groups.

41. So far the rural population had received only limited aid for housing, although housing needs were particularly acute in crisis areas and remote regions, and among particular sections of the farming population, such as day workers and seasonal workers.

42. The strategy for resolving housing problems in rural areas was planned on similar lines to the National Solidarity Programme, designed to combat extreme poverty, and it should bring about an improvement in the peasants' lives and even increase their productivity. There were plans to reinforce the National Rural Housing Fund and to organize training programmes in construction techniques and in the production of materials better suited to the climate and the socio-cultural features of the various regions.

43. Roughly 4,500 indigenous families were receiving support, under a programme aimed at improving their housing conditions by combining development with environmental protection.

44. Regarding the Trustee Fund for People's Housing (FONHAPO) and the proportion of investments from the Fund for families receiving public assistance (the fourth question), she emphasized that housing was one of the most important social requirements and that the public authorities had been endeavouring for years to meet the needs of the various population groups by providing housing and financing construction, and stated that such efforts were one of the priority objectives of the Federal Government's social policies. Between 1983 and 1988, 1,395,191 loans had been granted for housing through State assistance programmes. There had been 250,000 loans in 1989 and 330,000 were planned for 1990. During the 1983-1988 period as a whole, 17.6 per cent of recipients of FONHAPO loans were families receiving State assistance. The proportion had dropped to 14.4 per cent in 1989, but it was expected to be 18.7 per cent in 1990.

45. With seemingly fewer resources, FONHAPO had assisted a larger number of families than other housing organizations because, unlike those organizations, which financed construction programmes, FONHAPO tended to finance programmes aimed at developing building sites, carrying out extension work, and renovating and modernizing existing homes, all of which required less investment.

46. The assets of the Housing Development Bank were provided by savings, and the cost of the loans which it provided depended on the rates prevailing on the national financial market. It was necessary to have a salary twice that of the minimum wage in order to request its assistance. In 1990, 39.5 per cent of the Bank's resources would be assigned to 25.8 per cent of families receiving public assistance.

47. The Institute of the National Housing Fund (IFONAVIT) was intended for wage-earners, and 85 per cent of its loans were targeted at families with an income below 10 times the minimum salary. The activities of the State Employees' Housing Fund (FOVISSSTE), which was funded partly by contributions from State employees, had been recently reduced, since budgetary restrictions had forced the Government to reduce the number of public servants.

48. FONHAPO, which was intended for people without a regular wage and whose incomes were less than two and half times the minimum salary, was not financed solely by the federal budget but also had additional resources at its disposal, notably from the World Bank, from which it had already received $150 million since 1986 and would receive a further $350 million in 1990. The Fund applied the following principles: sufficiently long repayment periods so that monthly payments represented a smaller percentage of the minimum salary; small initial outlay (10 per cent rather than 15 per cent, or 5 per cent instead of 10 per cent); the ceiling for loans set at 2,500 times the minimum salary level instead of 2,000 times.

49. On the question of the families recently evicted from Lomas Del Seminario in Mexico City (seventh question), she said that there had not actually been any evictions as such. The authorities had wished to resume control of an area which was to become a nature reserve and which property developers had illegally appropriated, and it had therefore been decided to take steps to rehouse the families which had settled on the land. However, since it transpired that most of the families had other housing, they had been asked to return to it and their transport costs had been paid.

50. As to overcrowding and pollution in Mexico City (eleventh question), she listed some of the measures planned to improve living conditions in the capital: to continue technical, financial and social development in the city while reducing as far as possible the pollution level; to improve the ability of public authorities and society to react to disaster risks; to implement an effective policy of prospecting for water resources; to reform the system of land tenure; to develop town services and encourage housing construction; to reorganize transport services, improve public safety and modernize the forces of law and order; to repair and maintain the historical centre; to reorganize public finances; and lastly, to raise the population's involvement in the life of the city.

51. In 1950, the population of Mexico City had been 3 million and in 1980 roughly 9.5 million; there were currently approximately 20 million inhabitants. Guadalajara and Monterrey had also grown very quickly: the population had doubled in size between 1970 and 1980, from 858,000 to 1,700,000 in Guadalajara and from 1,194,000 to 2,100,000 in Monterrey.

52. In addition, a great deal of work had gone into repairing the damage caused by the 1985 earthquake (hospitals in Mexico City had been particularly affected), and practically all public buildings and housing had been rebuilt. The worst-hit buildings had been demolished and, in their place, public gardens had been laid out in memory of those who lost their lives in the earthquake. The reconstruction programmes had enabled roughly 90,000 families who had been housed in wretched conditions to move into small apartments. At the same time, building standards and the design of buildings of more than 10 storeys had been modified. A civil protection service had been formed and a new earthquake surveillance network had been installed. Forty-five per cent of United Nations aid to the Mexican Government to help rebuild the city had been used for activities targeted at reducing the risk of earthquakes.

53. In answer to the thirteenth question (urban reorganization), she said that several parts of Mexico City had been redeveloped using the funds released by the Government for improving housing and basic services and restoring very old buildings. Public funds had also been assigned to maintain some of the nation's historical centres. The emergency programmes previously devised had been replaced by house building programmes.

54. With regard to the fifteenth question (nutrition for the poorest sectors), she said that the National Solidarity Programme was working on measures to meet the basic needs of people living in a state of absolute poverty.

55. She explained that the indigenous population and refugees received the same social security benefits as the remainder of the population. She said that a National Prevention Committee had been set up in 1986 to devise, support and co-ordinate measures to combat AIDS and that WHO had indicated its satisfaction with those measures, and that the results which had been obtained were encouraging.

56. Regarding the availability of medicines for the least affluent sectors, she said that, in such cases, medicines were sold at very low prices, or were even provided free of charge to people who were completely destitute.

57. On the subject of birth control, she said that the Government was anxious to take into consideration the behaviour of the population, but that there was a nationwide family planning programme which covered urban, rural and remote regions. There had been definite progress since 1977, when less than 30 per cent of women used contraceptive methods, whereas in 1989, 6.9 million women used those methods.

58. Concerning pollution problems, which were the concern of the Urban Development and Ecology Secretariat, she said that she recognized the seriousness of the problem, which was due mainly to industrial development, low-quality fuels and the increase in the number of vehicles. In order to limit the effects of pollution in urban areas, inhabitants had been requested

not to use their cars at least one day during the week, depending on their car registration number. Moreover, some industries had decided to use filters in order to reduce noxious discharges.

59. She said that she hoped that she had answered most of the questions. Her delegation was at the Committee's disposal to answer any other questions.

60. The CHAIRMAN thanked the representative of Mexico for her co-operation in answering the Committee members' questions. He said that her answers would certainly make the Committee's work easier.

61. Mr. DAO (International Labour Organisation) thanked the representative of Mexico for the information she had given regarding various ILO Conventions. Concerning the protection of children and young persons in employment matters (paras. 117 to 122 of the report), he noted that the Conventions ratified by Mexico were listed in the report and that the minimum age conventions concerned sectoral activities, i.e. maritime occupations, fishing, underground work and night-work. However, Conventions No. 33 and No. 60 concerning working conditions for domestic employees had not yet been ratified.

62. Concerning the Conventions that had been ratified, one problem was still outstanding: the definition of night-time under Mexican law differed from the definition in ILO Convention No. 90. Since the Mexican Government had not clarified what its position would be in the event of a conflict between national legislation and an international instrument, an amendment to the law would be desirable in order to remove any doubts about the implementation of the Convention.

63. Regarding maternity protection and social security in general, Mexico had ratified Convention No. 102 on social security (minimum standards) and it had accepted the obligation specified in title VIII of that instrument concerning payment of maternity benefit. However, it had still not ratified Convention No. 103 on maternity protection itself, which expressly concerned domestic employees. That might well explain some of the questions Committee members raised concerning social security provisions for domestic employees and the indigenous populations. The implementation of Convention No. 102 was assessed on the basis of the percentage of the active population protected by the social insurance system and, in that respect, the ILO was satisifed that the requirements of the Convention were respected by Mexico, since its provisions had applied to 27 per cent of the active population in the late 1970s whereas, they currently applied to between 35 and 40 per cent of that population. The issue of social protection for domestic employees did not therefore arise with regard to Convention No. 102, since the protection percentage specified in the text was respected. However, if Mexico were to ratify Convention No. 103, the ILO would draw its attention to that issue in connection with maternity protection.

64. The final point regarding social security concerned indigenous workers. Mexico had ratified Convention No. 107 on indigenous and tribal populations, articles 19 to 24 of which contained precise provisions regarding social security; article 19, in particular, specified that the social security system in force should be progressively extended to those populations. The figures in the Mexican Government's 1987 report to ILO gave an idea of the number of indigenous workers covered by the social security system at the time: approximately 220,015 out of a total of 30.8 million insured people and a

total population of 81 million inhabitants. The report also indicated the range of benefits granted to indigenous persons covered by the social security system: illness, maternity, disablement, widowhood. It also provided information on medical units in rural areas and on the number of indigenous people cared for by their services.

65. He pointed out, with regard to the second question in section I of the list of questions put to the Mexican Government, that the ILO was currently implementing a two-fold project in the country concerning, on the one hand, co-operatives and, on the other, employment in rural areas and development.

66. Referring to the eighth question of section II concerning women workers in the public sector and the discrimination against them in general, he said that Mexico had ratified Convention No. 111 on discrimination in employment and drew attention to the existence of a national action programme aimed at increasing the involvement of women in development and of the establishment of a National Commission for Women.

The meeting rose at 1 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 January 1990, at 3 p.m.

Chairman: Mr. NENEMAN

CONTENTS

Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Mexico (continued)

Organization of work (continued)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Mexico (E/1986/3/Add.13) (continued)

1. The CHAIRMAN invited the Committee to continue its consideration of the initial report of Mexico concerning rights covered by articles 10 to 12 of the Covenant (E/1986/3/Add.13).

2. Mr. TEXIER, referring to paragraph 41 of the report, noted that many countries had changed the term "paternal authority" to "parental authority" to reflect the growing equality between men and women. In the case of dissolution of a marriage, in particular, he wondered whether it was possible in Mexico for both parents to continue exercising parental authority over the children. Concerning paragraph 48, he would like to know which type of marriage régime obtained in the absence of a marriage contract.

3. With respect to article 11, there had been many references in both the report and the discussion to drug addiction. Drug trafficking had far-reaching effects on both the world economy and political life in certain countries. He would like to know whether that problem existed in Mexico and whether, for example, drug traffickers attempted to use Mexico as a stepping-stone towards the United States of America.

4. Also concerning article 11, the problem of abused children was a growing one in many countries, including his own, and a matter of concern to legislators and members of the judiciary. He wondered whether ill-treatment of children was a serious problem in Mexico, whether there were specialized judicial bodies dealing with that problem, and in particular whether the Mexican system of justice made it possible to separate young offenders from adults.

5. He would welcome an explanation of the term "ejidos" used in the French version of the report. More information would also be appreciated on marginal populations. He would further like to know whether there were large numbers of people living in extreme poverty in Mexico, as was the case in most countries, and what was being done to ensure them a minimum income. Regarding refugees and population movements, Mexico was affected by two types of movements. First, it received refugees from the rest of Latin America. In that connection, he would like further information on the problems with the Guatemalan refugees referred to by the representative of Mexico and in particular with moving the border populations towards the north. Concerning the second type of movement, that of Mexicans towards the north, he would like to know whether that phenomenon was continuing and, if so, what measures the Government was taking to end it.

6. Mr. ALSTON said that to determine whether rights were being made effective, international lawyers looked for a degree of entrenchment in a legal instrument such as a Constitution and for "justiciability", or the possibility of invoking a right before a court. In that connection, he wondered how article 4 of the Mexican Constitution applied to the individual

right to housing. Was housing a "non-justiciable" right, a general principle that the Government bore in mind or a right that an individual could invoke before a court or administrative agency? In the latter case, he would appreciate examples of decisions as to entitlement to particular forms of housing, security of tenure, etc., deriving from constitutional provisions.

7. Regarding the right to adequate food and an adequate standard of living, he inquired whether the Mexican Government had a concept of a "poverty line", i.e., the minimum level below which persons were considered to be living in extreme poverty, and, if so, whether it could provide any figures on the number of people in that category. Noting that the Mexican Government had been active in the struggle against hunger, he asked for more details on the current status of attempts to ensure that malnutrition did not become a major problem in Mexico. Regarding the reference to the $150 million loan from the World Bank for housing purposes, he would like to know whether any conditions were attached to the loan with respect to type of housing or other criteria. Finally, the Government of Mexico had been active in the drafting of the Additional Protocol to the American Convention on Human Rights concerning economic, social and cultural rights. He wondered whether the Mexican Government had any thoughts for the Committee on how that instrument might relate to the International Covenant on Economic, Social and Cultural Rights.

8. Mr. FOFANA asked, in connection with article 10, for statistics on the marriage and divorce rates per 1,000 persons. Regarding article 11, he noted that the concepts of gross national product and gross domestic product were quite close together for certain countries. He wondered about the situation in Mexico and whether the Mexican delegation might provide explanations for the gap between those two figures. He would also like to know the unemployment rate by age and sex, how the unemployed were identified in Mexico and what measures had been taken to ensure that they enjoyed the benefits of article 11. Concerning article 12, he would like to know the daily per capita calorie consumption in Mexico.

9. Mr. MARCHAN ROMERO, noted Mexico's many achievements in the field of economic, social and cultural rights and thanked the Mexican delegation for its frank references to the difficulties encountered, in particular those relating to the external debt.

10. Concerning population movements, he noted that Mexico faced the problem of returnees from the United States of America. He wondered whether there were programmes for the reintegration of such returnees and how they were considered by Mexican legislation. Regarding the demographic structure, he noted that in Mexico, as in many countries, the population tended to concentrate in cities. What measures had Mexico taken to keep the 7:3 urban-rural ratio stable over the previous four years?

11. Mr. MUTERAHEJURU asked for more details regarding the effects of what had been described in the report (E/1986/3/Add.13, para. 11) as "the most serious economic crisis in modern Mexican history" on the promotion of economic, social and cultural rights. He noted (ibid., para. 50) that in Mexico there was a special way of forming a family, namely cohabitation, and that if such a union lasted for at least five years it had the same legal consequences as matrimony. He wondered whether that did not indirectly serve to discourage the traditional institution of matrimony and requested statistics on the

relative numbers of marriages and free unions. Noting further (ibid., para. 215) that the supply of basic products was supplemented with imports when necessary, he inquired what basic products it had been found necessary to import and how their distribution was organized. With regard to agricultural exports, he observed that some 167,000 people depended for their livelihood on coffee-growing. He asked how the Government managed to deter coffee-growers from tearing up coffee bushes when coffee prices fell on the international market. Finally, observing that climatic changes had a considerable impact on agricultural production, he inquired whether there were in Mexico either State or private services engaged in forecasting such changes, particularly in respect of rainfall.

12. Mr. KONATE inquired whether Mexico, which was an exporter of labour, had taken any measures with regard to the conditions of departure of migrant workers. Attention was usually focused on their reception, but their methods of departure might well prejudice their reception in another country.

13. On the question of indigenous populations, he expressed surprise that Mexico had not become a party to the 1989 ILO Convention on Indigenous and Tribal Peoples. The problem of land was very important to the identity of indigenous populations and their territorial rights should be protected. He wondered, however, whether the integrated agrarian reform mentioned in paragraph 144 of the report did not rather tend to dispossess indigenous persons from their holdings. He asked whether they had been consulted over the implementation of the measures.

14. Mrs. JIMENEZ BUTRAGUEÑO said that from personal experience she was aware of the hospitality which Mexicans showed towards foreigners. She was therefore surprised to learn that Guatemalan groups in Mexico had experienced difficulties. With regard to the percentage of unmarried couples, she inquired whether such unions were a tradition predating the Spanish conquest or a modern trend. She also asked whether the Economic Solidarity Agreement went some way to compensate pensioners and workers for the effects of inflation on their incomes. It was stated in paragraph 78 of the report that a working mother had the right to have her job back: did she have a right to the same job or to an equivalent job? In Spain the right to an equivalent job was often a camouflaged way of condoning a dismissal. The report provided many interesting statistics, but the sense of an evolving situation was missing. She hoped that additional information would be provided in writing. In conclusion, she asked whether the population was benefiting from plant medicines and reliance on simple, healthy foods in the current time of economic difficulty.

15. Mr. ALVAREZ VITA observed that a great many of the members' questions had already been answered by the Mexican delegation at the previous meeting. In introducing the report, the Mexican delegation had said that indigenous peoples constituted 6 per cent of the Mexican population. He inquired what were the criteria for defining indigenous peoples. Did it depend on linguistic or cultural indicators? He noted from an excellent publication of the Mexican Ministry of the Interior, recently issued to commemorate the bicentenary of the Declaration of the Rights of Man and of the Citizen that there were offices in two states, namely Guerrero and Oaxaca, which promoted the welfare of indigenous populations. He inquired whether there was not also a federal department which dealt with those matters.

16. Mr. RATTRAY said that the Mexican report presented an encouraging picture of progress and development. He had three questions relating respectively to sexual discrimination, treatment of juvenile delinquents and health services. In paragraph 44 of the report it was stated that the legal age for a minor to marry was 16 for a boy and 14 for a girl. How could that be reconciled with article 2 (2) of the Covenant under which States parties undertook to guarantee that there should be no sexual discrimination in the exercise of the rights enunciated in the Covenant? With regard to paragraph 107, he asked whether there was any discernible trend, for example a class bias, in judicial decisions involving the imposition of custodial sentences on juvenile delinquents. According to the General Health Act (para. 267) there were three types of health services, namely general public services, services for people covered by public social security organizations, and social and private services. Was there any qualitative or quantitative difference between the care provided by those three categories? Noting the figures on the number of physicians per 1,000 inhabitants given in the table on page 56 of the report, he inquired how they were distributed between the three categories.

17. Ms. GONZALEZ MARTINEZ (Mexico) thanked the Committee for the interest it had shown. She said that she would prefer to be given some time to structure the answers to the oral questions put by members of the Committee. She therefore requested that the hearing should be postponed until the afternoon meeting of the following day.

18. It was so agreed.

19. Ms. Gonzalez Martinez, Mr. Elias Barragán and Mr. Naveja (Mexico) withdrew.

ORGANIZATION OF WORK (agenda item 4) (continued)

20. The CHAIRMAN invited the Committee to continue its discussion of its working methods for the examination of global reports submitted by States parties in accordance with Economic and Social Council resolution 1988/4. The main question was the most appropriate allocation of the time available.

21. Mr. ALSTON said that the Committee's experience with the Mexican report showed the need to streamline the questions prepared by the pre-sessional Working Group, so as to ensure greater concision. Furthermore, since State parties' reports would in future cover all articles of the Covenant, and in order to allow States parties to respond adequately to members' questions, three meetings would be needed to deal with one global report, as was already the practice in the Human Rights Committee. That allocation was also consistent with the need to develop more sophisticated procedures for dealing with the reports.

22. Mrs. JIMENEZ BUTRAGUEÑO favoured the idea of devoting three meetings to examination of a global report, but asked how the Committee planned to organize its work for the three meetings. Since the advantage of a global report was that it enabled a situation to be examined as a whole, there would be little point in conducting an article-by-article review, as was the present practice.

23. Mr. ALSTON said that, now that the Committee was moving towards a much more serious process of evaluation, it must be prepared to set aside more time for answers than had previously been the case. With the establishment of the pre-sessional Working Group, effective pressure had been put on Governments to take the procedure more seriously. The next task was to schedule the meetings of the pre-sessional Working Group sufficiently in advance of the Committee's session to ensure that Governments had a chance to provide carefully thought-out answers to the questions put to them. Failure to convene the meeting of the pre-sessional Working Group well in advance of the session, on grounds of the expense involved, would be a false economy.

24. Against that background, Governments might perhaps be offered two hours in which to respond to the initial list of issues with an opportunity to circulate additional information in writing if they so wished. One three-hour meeting could then be devoted to questioning, with the remaining four hours allocated to responses and to the Committee's concluding observations, for which up to one hour might be needed. An incidental benefit of such an arrangement would be a stronger feeling among Governments that the whole exercise was wothwhile.

25. The CHAIRMAN, after thanking Mr. Alston for his useful contribution to the Committee's preliminary consideration of the issue, suggested that it might be useful to begin by devoting up to half-an-hour to introduction of global reports, before moving on to the responses to written questions.

26. Mr. GLAIEL asked whether the Committee wished Jamaica to present its three reports as a group. If so, the reports would in effect be treated in accordance with the new system, as in the case of Luxembourg's report. In dealing with the new global reports, it would not be possible simply to multiply by a factor of three the time currently allocated to each phase of consideration. The Committee should decide on the best procedure for considering global reports in the light of the experience gained in dealing with the reports of Jamaica and Luxembourg.

27. Mr. SIMMA conceded that, despite the attempt that had been made to sift the questions, the list of issues submitted to Mexico by the pre-sessional Working Group had been unduly long. He agreed that Governments should be allocated more time in which to provide serious and sophisticated answers to the questions put, and that it would be useful to allow them briefly to introduce their reports. He pointed out that, if the Committee adopted an allocation of time along the lines proposed by Mr. Alston, it would have time to examine no more than six global reports during a three-week session. Did the representative of the Secretary-General see that as a problem?

28. Mr. WIMER ZAMBRANO said that not only the number but also the quality of the Committee's questions left something to be desired. He urged the pre-sessinal Working Group to select questions more carefully.

29. The CHAIRMAN suggested that the Committee might be well advised to adopt effective guidelines before considering how to streamline the list of issues.

30. Mr. ALSTON agreed that the current guidelines were far too general. He regarded the formulation of effective guidelines as by far the most important task before the Committee. States parties currently had little real guidance on how to prepare a report. Once the new guidelines were finalized, the follow-up questions formulated by the pre-sessional Working Group would fall into place more easily.

31. In reply to the point raised by Mr. Simma, he said that, while the implication was that the Committee would require extra meetings at some time in the future, the problem need not be addressed at the current stage. Once reports started to pile up, the need for additional meetings would become obvious. It was the Council's expressed belief that the Committee should be treated on an equal footing with the Human Rights Committee. Consequently, once it began to function as effectively as the Human Rights Committee, it should have no difficulty in obtaining the number of meetings it required.

32. The CHAIRMAN said that it would be for the representative of Jamaica to decide how he wished to proceed in presenting his Government's three reports on the following Monday. However, when Luxembourg came to present the first global report on the following Wednesday, the Committee would have to apply a new time distribution. As a rough guideline, he proposed devoting up to half an hour to introduction of the global report; up to two hours to replies to the written questions; two and a half or three hours to individual verbal questions; up to two hours to the Government's responses to those questions; and up to one hour to the Committee's concluding observations. In the light of the experience gained at the forthcoming meeting, the Committee could then decide how best to allocate its time thereafter, and might consider incorporating its decision in its report on the session, for the benefit of Governments.

33. Mr. ALSTON, while conceding that it was for the Jamaican Government to choose how to present its reports, felt that it should be urged to consider presenting them as a global report, to enable the Committee to gain experience of dealing with the new system.

34. The CHAIRMAN said that Mr. Alston's views would be conveyed to the Jamaican Mission.

35. Mrs. JIMENEZ BUTRAGUEÑO said that there was a precedent for Governments presenting several reports together, and that such an arrangement was also more convenient for the Governments themselves.

36. Mr. SIMMA, reverting to the question of how the Committee should treat additional information provided by Governments subsequent to the presentation of their reports, said that the Committee needed first to reach a consensus on the general principles for dealing with such additional information, before going on to treat the material provided by Zaire, France and the Netherlands in accordance with those general principles. It was his understanding that the practice of the Human Rights Committee was to append additional information to the report, and to take it up as late as the time of submission of the subsequent report. In his view, Governments were entitled to expect a more rapid response from the Committee, especially in view of the five-year reporting cycle to be introduced under the new system.

37. The CHAIRMAN quoted extracts from a document which showed that the Human Rights Committee's approach to additional information was in fact more complicated. Whenever additional information was received at the same time as the next periodic report or before the next periodic report was due, its practice was to consider the additional information together with that periodic report. When the additional information was received at other times, it decided on a case-by-case basis whether the information should be considered, and notified the State party concerned of any decision to examine it. When promised additional information had not been received, the Bureau of the Human Rights Committee would consider sending appropriate reminders to the States parties, and the Secretariat, in corresponding with States parties concerning the date for submission of the next periodic reports, would also remind them of their promise, made during consideration of the previous reports, that additional information would be supplied to the Committee.

38. Mrs. JIMENEZ BUTRAGUEÑO said that, as she understood it, the purpose of requesting additional information was to avoid an excessive lapse of time in dealing with the situation in States whose answers had failed to satisfy the Committee. Particularly in view of the five-year reporting cycle now to be introduced, comments on the additional information submitted should thus be included in the Committee's annual report.

39. The CHAIRMAN said it was his impression that, if a report was to be considered at a forthcoming session, the matter could be regarded as being of some urgency. If, however, a longer period was involved, the Committee could respond to additional information as appropriate, for example by taking note of it.

40. Mr. SIMMA said that the issue of procedures to deal with additional information reaching the Committee at various stages of the reporting cycle and the question, not addressed in the document of the Human Rights Committee just quoted by the Chairman, of what should be done with that information were related but distinct. The Human Rights Committee was thus of limited value in establishing useful precedents, and he felt that the Committee would have to determine its own practice in the matter, taking into account the five-year reporting cycle.

41. The CHAIRMAN said that the difficulty could be avoided by indicating that the Committee would like additional information to be received before its working group was due to meet, so that the information could be considered by the Committee itself within one year of being submitted. A response need only be sent to Governments if the Committee considered it necessary to do so, but he agreed with Mr. Simma that it would be counter-productive to wait five years before reminding a State party of its obligations.

42. Mr. KONATE said that it would be more logical for the Secretariat to request that additional information should be submitted some days before the start of the session, thus making it easier for members to familiarize themselves with the substance of the documents. He agreed that other committees' procedures could not automatically be adopted by the Committee on Economic, Social and Cultural Rights, and that it was essential to maintain a dialogue between the Committee and States parties submitting the additional information: for example, the Committee could send its comments on the additional information to the Government which had submitted the report in time for that Government's response to be included in its next report.

43. Mrs. JIMENEZ BUTRAGUEÑO said that she agreed with the procedure proposed by the previous speaker, adding that, in a case where satisfactory information had been provided by a Government, the Committee should make some acknowledgement of that fact.

44. The CHAIRMAN said that the procedure outlined by Mr. Konate was both precise and feasible, and would not entail extra work for the Committee.

45. Mr. ALSTON also agreed that Mr. Konate's suggestion was valuable, but that it should be submitted in written form before the Committee took a decision on such an important matter. In any case, the Committee's approach to States failing to respond to requests for additional information should be flexible.

46. The CHAIRMAN said that the Committee must also consider the important question of the sizeable number of countries which either failed to submit reports at all, for technical or other reasons, or which decided to withdraw them at the last minute. Obviously, the Committee could not fulfil its mandate if States parties did not furnish their reports.

47. Mr. ALSTON said that that problem, which was indeed important, could perhaps best be approached from two standpoints: firstly, the Committee could ask the Secretary-General, in the form of a note appended to its report, to draw attention to "delinquent" States; and secondly, the Committee could point out that the threshold beyond which non-submission of reports was now considered unacceptable had been established at three years.

48. Mr. RATTRAY said that the new periodicity of reporting would have the effect of offering States parties a kind of "clean slate", and that it was essential not to undermine the emerging spirit of co-operation and dialogue between the Committee and the States parties. To that end, closer and less bureaucratic links should be established with the Human Rights Committee and with the missions in Geneva. The object of the exercise was, after all, to elicit reports and not to condemn particular States parties.

49. The CHAIRMAN said that one procedure might be to mention the "delinquent" States in a resolution to be submitted to the Economic and Social Council and, subsequently, by the Council to the General Assembly. He did not think that such an approach would necessarily be detrimental to the spirit of dialogue referred to by Mr. Rattray.

50. Mrs. JIMENEZ BUTRAGUEÑO said that she largely agreed with Mr. Alston, but that every effort should be made to ensure that, when States did submit reports, those reports were of satisfactory standard.

51. Mr. SIMMA said that, while the approach to States that were in arrears with their reports should be tactful, the Committee should not hesitate to name the States which fell into that category.

52. Mr. ALVAREZ VITA said that one problem was that a country's report was often compiled from the contributions of various ministries and departments, even if the Ministry of Foreign Affairs of the country concerned had overall responsibility for submitting it. At the same time, it should always be borne in mind that any Foreign Ministry was naturally anxious to present its country in the best possible light.

53. Mrs. JIMENEZ BUTRAGUEÑO said that she agreed with the previous speaker: to ensure more balanced reports it would be appropriate to draw on information supplied not only by Government departments, but also by non-governmental organizations and trade unions. The reporting guidelines should indicate what kind of information was expected.

54. Mr. TEXIER endorsed the views of the previous speakers and pointed out that it was sometimes difficult to ascertain the veracity of the information submitted: reports from Romania prior to recent developments in that country were a case in point. The Committee's report to the Economic and Social Council should reflect any expression of scepticism as to the accuracy of a report by a given State party.

55. The CHAIRMAN said he concluded from the discussion that the Committee was equally concerned by the question of non-submission of reports and by the need to ensure satisfactory standards of reporting.

56. He suggested that, since in most instances a parliament or other duly constituted body was required to ratify a country's accession to the Covenant, there might be some point in approaching such institutions directly in the interests of ensuring compliance with the obligations incumbent on the State under the provisions of that instrument.

The meeting rose at 6.05 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 January 1990, at 10 a.m.

Chairman: Mr. Alvarez VITA

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The Philippines

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY THE STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial reports concerning articles 13 and 15

The Philippines (E/1988/5/Add.2)

1. At the invitation of the Chairman, Mr. Villarroel and Mrs. Bataclan took a place at the Committee table.

2. Mr. VILLARROEL (Philippines) said that the report (E/1988/5/Add.2) which he was supposed to introduce, and which covered the period from 1979 to 1981 had been virtually invalidated by the very important events that had occurred in the Philippines since 1986, and which, inter alia, had led to the adoption of a new Constitution. With the Committee's permission, his delegation therefore proposed to update the report orally, point by point, and he requested the Committee to regard his replies to questions as constituting the first and second reports of the Philippines on rights covered in articles 13 to 15 of the Covenant, it being understood that his Government would inform the Committee in writing of any relevant new developments which might occur between that time and June 1990. He took the opportunity to thank the Committee for sending the questionnaire (E/C.12/1990/Misc.8) in good time, and expressed the hope that the other treaty bodies would follow its example.

3. In reply to question I, (1) of the list of issues, he outlined the geographic and demographic profile of the Philippines and the administrative organization of the country, and provided some demographic data: population (1987), 57.4 million; population density, 191 inhabitants per square kilometre; annual demographic growth rate, 2.41 per cent; urban population, 41 per cent; rural population, 59 per cent; unemployment, 10.3 per cent; average life expectancy, 63.7 years; literacy rate, 85.4 per cent.

4. The population, which is 83.8 per cent Roman Catholic, spoke 70 languages or dialects. Pilipino was the national language, and the languages of instruction were English and Pilipino. Filipinos were of Malay, Chinese and Spanish stock, and their culture was a blend of Spanish, American, Chinese and Malay influences.

5. Since 1946, the Philippines had been a democratic and republican State, and, except for the period from 1973 to 1986, it had had a presidential form of Government. The present Constitution was the outcome of the peaceful revolution of 1986, which had put an end to the 20-year Marcos régime and restored democracy. The previous Constitution had been adopted in 1973, when martial law had been imposed by President Marcos. President Corazon Aquino's popularity was primarily based on her strong commitment to the restoration of democracy and the protection of human rights. One of her first official acts had been to release the political prisoners detained by her predecessor and to set up the Presidential Commission on Human Rights. Since that time, the Philippines had ratified the International Covenant on Civil and Political Rights, the Convention against Torture and Other Forms of Cruel, Inhuman or

Degrading Treatment, Protocol II additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, and the Optional Protocol to the International Covenant on Civil and Political Rights.

6. With regard to the legal framework within which the new Constitution protected human rights, he quoted first of all section 11, article II, which stated that: "The State values the dignity of every human person and guarantees full respect for human rights". As in previous constitutions, the 1987 Constitution contained a Bill of Rights but one that was considerably strengthened. Thus, in order to prevent the recurrence of the painful events of the recent past, all forms of torture, violence, incommunicado detention, degrading punishment or detention in substandard conditions were prohibited. The new Constitution also guaranteed the equality of all before the law, and the death penalty had been abolished.

7. In contrast to previous constitutions, the 1987 Constitution contained mechanisms for preventing the Chief Executive, who was also Commander-in-Chief of the Armed Forces, from assuming authoritarian role. Henceforth, a state of martial law could not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies. The writ of habeas corpus could no longer be suspended except in the case of persons charged with rebellion or offences directly with invasion of the national territory. In addition, the Constitution enhanced people power by associating people's organizations in the decision-making process.

8. Article XIII was wholly devoted to social justice and human rights. The national Commission on Human Rights, already mentioned, was mandated to investigate all forms of violation of human rights and to inform the population of its rights. The Constitution strengthened the democratic structure of the country by giving greater autonomy to local authorities and by establishing two autonomous regions, one in the Cordilleras and the other in Muslim Mindanao.

9. With regard to the second question, on the changes in the field of education and culture, brought about by the ouster of the Marcos régime, the 1987 Constitution gave great importance to the right of all to a good education and to culture, and made it incumbent upon the State to assign the highest budgetary priority to education. By way of illustration, he read out article XIV of the Constitution.

10. In accordance with the new constitutional provisions, numerous reforms had been carried out under Mrs. Aquino's Presidency. The entire education system had been reorganized, bringing about the appointment of new leaders, the decentralization of decision-making and a concern to bring services closer to the people. During the 1989 school year, secondary teaching had become an integral part of basic education, the aim of that reform being to continue the achievements of the fundamental reforms in primary education. The rationalization of tertiary education had been accelerated by extending the accreditation system, particularly among private universities, in order to confer autonomy on those institutions which met the desired standards. Measures had been introduced to bring democracy into education, including free secondary education, subsidies to private schools, scholarships (in particular for cultural minorities) and student loans. A massive school building programme had been started, and teachers had been awarded grants for training

either within the country or overseas. During the last four years, some 6,000 educators had been awarded international scholarships. Since economic and social progress depended not only on people well trained in technical and vocational skills but also on their moral qualities, respect for human dignity, love of country, honesty and self-discipline had become integral to the education process.

11. Mrs. BATACLAN (Philippines) noted that her country had already provided information on the question of the rights of minorities to the thirty-fifth session of the Human Rights Committee and the thirty-seventh session of the Committee on the Elimination of Racial Discrimination (documents CCPR/C/50/Add.1 and Rev.1 and CERD/C/172/Add.17).

12. The Philippine Government, firmly committed to the protection of the rights of all its citizens, regardless of race, colour or origin, safeguarded the rights of indigenous populations (of which there were 110) in accordance with article II of the new Constitution. Under the same article, the international instruments on human rights ratified by the Philippines formed an integral part of the national legislation. In addition to those two Covenants, the Philippines had ratified several ILO conventions.

13. In accordance with article XIV of the Constitution, the State recognized, respected and protected the right of indigenous communities to preserve and develop their cultures, traditions and institutions, ensured equal access to education and encouraged and supported research and studies on the arts and culture. Under the terms of article XII, the State protected the rights of ethnic communities to their ancestral lands and the Congress might provide for the applicability of customary practices in determining the ownership and extent of the ancestral domain. In conclusion, article XIII provided that the state should apply the principles of agrarian reform for the utilization of lands of public domain, subject to the rights of small farmers and indigenous communities.

14. Three agencies had been created in order to implement those constitutional provisions; they were the Office of Muslim Affairs, the Office of Northern Cultural Communities and the Office of Southern Cultural Communities. The three agencies aimed to achieve the following objectives: the attainment of economic self-reliance for indigenous communities; to stregthen and advance the educational and social development of these populations; to preserve, enrich and promote the customs, traditions, values and beliefs of the cultural communities, to restore the rights of indigenous communities over their ancestral lands; to promote peace, unity and co-operation among the cultural communities and to establish constructive relationships between those communities and indigenous populations in other parts of the world.

15. To achieve those objectives, the Government had drawn up programmes designed mainly to generate income, as well as programmes aimed at preserving the cultural heritage of the Philippines. Cognizant of the role of education in the development of cultural communities, the authorities had also set up adult education programmes and educational projects for pre-school and school children, and had made provision for building schools for groups living in isolated areas.

16. On the question of teaching programmes for the Muslim community, she pointed out that a programme to upgrade the quality of instruction in the Madrasah and its educational facilities had been developed and that information campaigns had been conducted for the accreditation of Islamic schools as a sector of the Philippine education system. With regard to the Shariah, the Government had set up a programme to promote the teaching of Islamic law, research and studies on Islamic jurisprudence and the establishment of links between institutions responsible for the application of the Shariah in South East Asia and in other Muslim countries.

17. From the legal standpoint, the cultural communities could avail themselves of counselling on human rights problems. Programmes had been initiated to promote peace, harmony and constructive co-existence among the communities and with the indigenous peoples of other countries. Medical services were extended to the cultural communities, and medical mission were sent to the isolated areas where certain ethnic groups lived.

18. On the question of the autonomy for Muslim regions, she recalled that the Constitution provided for the creation of two autonomous regions, one in the Cordilleras, the other in Mindanao. The establishment of autonomous regions encompassing populations linked by a common historical and cultural heritage as well as by identical economic and social structures, demonstrated that the rights of cultural minorities and indigenous populations were respected. In 1989 the Philippine Congress passed an organic law for the autonomous Muslim region of Mindanao, which was the subject of a plebiscite of 19 November 1989. According to the Constitution, only provinces, cities and areas where there was a majority vote in favour of an autonomous region would be included in it. In the event the majority was obtained, in three out of 13 provinces and one out of nine cities thereby bringing about the establishment of the Muslim autonomous region of Mindanao. She pointed out that it was not autonomy that had been rejected by 10 other provinces and the eight other towns by the referendum, but the organic law itself.

19. Mr. VILLARROEL (Philippines), taking up the questions on the right to education (section II of the list), said that for the academic year 1987-1988 the Philippine Government had devoted 17.25 per cent of the national budget to education, as against 10.5 per cent for the academic year 1983-1984, an increase of 7 per cent. That showed that the Government was allocating resources to education in line with the rapidly increasing young generation. He regretted that he was unable to provide the information requested on the demographic profile, especially of the young generation, in the Philippines.

20. On the subject of foreign or United Nations assistance for the promotion of the right to education (section II (2)), he said that his country received ODA loans and grants. The list of ongoing programmes and proposed projects in the development plan for 1987-1992 had been made available to the Committee. The question had been asked whether the Philippine Government intended to spend any of the $3.5 billion aid package it received on education; among the 74 projects proposed under the five-year plan, a certain number related to education. Priorities included the introduction of compulsory primary education, free secondary education and the development of the non-formal sector. On the question of whether the Government of the Philippines wanted bilateral or multilateral assistance for the construction of schools, the publication of school textbooks, etc., he said that the reply was "yes" and that his Government appreciated the $3.5 billion in assistance to sustain economic growth, strengthen democratic institutions and combat poverty.

21. Concerning the management of official development assistance and whether there was any procedure to reflect the needs of the public, he said that, in general, the National Economic Development Authority established the order of priority of the programmes and distributed official development assistance, using the following guidelines: grants and concessional loans were used to finance programmes for the most disadvantaged groups, while those loans with less concessional terms were utilized for income-generating projects. The Philippines had a public investment programming system which comprised a medium-term public investment programme and a medium-term technical assistance programme. The two programmes served as a basis for determining the priority projects that received official development assistance. In addition, local authorities were consulted and participated in project formulation, and the sectors affected were invited to give their views.

22. Mrs BATACLAN (Philippines) said, in reply to the question about street children (section II (3)), that they were often children abandoned by their parents or victims of child abuse, or, again, children from broken homes. Forced to fend for themselves, some of them begged; the more enterprising cleaned shoes, sold newspapers or became servants. The Department of Social Welfare and Development had establishd in urban areas what had come to be called "street schools". They were make-shift shelters where children could have free meals and where they were encouraged to learn livelihood skills and thereafter to read and write. In addition, the Department of Education, Culture and Sports had set up a programme of non-formal education aimed at teaching street children to read and write and acquire a minimum education.

23. Regarding the education system (section II (4)), primary education was compulsory and lasted six years. Secondary, vocational and technical education lasted four years. At the end of that period, pupils could follow a university course, which was of four years' duration, except in the case of disciplines such as medicine. Higher education, culminating in a doctorate, was for a period of two years.

24. The principle of free and compulsory primary education, set out in article 13 of the Covenant, was incorporated into article XVI of the Constitution, and its implementation was attested to by the percentage of pupils who completed their primary education: that figure, which had been 91.1 per cent in 1977-1978, reached 98 per cent in 1987-1988.

25. The percentage of illiteracy was 10.73 per cent in 1975, 8 per cent in 1983 and 12 per cent in 1988.

26. With reference to the question in section II.5, no precise data were available on the number of children attending day and evening classes. However, evening classes were very popular in the Philippines. Moreover, the economic status of certain classes of society was such that children were often forced to work to pay for their education. It would appear, in fact, that family income was closely linked to the educational level of children, particularly at the university level.

27. With regard to the question in section II.6, teachers' qualifications were covered in the "Magna Carta for Public School-teachers" where it was laid down that secondary schoolteachers must hold a Bachelor of Science in Education or the equivalent in the literary or scientific disciplines, or at least 18 professional education units. Teachers in vocational or technical

schools had to hold a specialized diploma and have completed at least 18 units. Teachers in higher education were required to have a master's degree.

28. So far as the recruitment system was concerned, the Magna Carta provided a special procedure for teachers who did not fulfil those criteria. Candidates selected by competitive examination followed a course of professional training in a public establishment. Those who had diplomas and satisfied the requirements for entering the civil service were appointed immediately; the others were appointed on a probationary basis, according to needs, for a minimum of one year.

29. Replying to the question in section II.7, she acknowledged that there were considerable regional disparities of enrolment in elementary education. Region VIII and the region of the Cordilleras had the lowest enrolment (2 per cent of the national total). The highest enrolment was in region IV, (14.21 per cent), in Metro Manila (11.23 per cent) and in region I (11.5 per cent).

30. On the question in section II.8, she explained the figures given in table 1 (a) by the fact there were drop-outs who returned after a year or two. In addition, pupils who transferred from one school to another in the course of the school year were counted twice.

31. Mr. VILLARROEL (Philippines) said, in reply to the question in section II.9, that he had arranged for a leaflet issued by the Department of Education, Culture and Sports containing education statistics covering the years 1983-1984 to 1987-1988 to be distributed to the Committee.

32. Mrs. BATACLAN (Philippines) said, on the subject of the question contained in section II.10, that a credit of ₱ 1 million was earmarked in the budget for the construction of public schools. In addition, as stated earlier in response to the question on foreign aid, the Philippines received special loans from the Asian Development Bank and subsidies from various bodies in Canada, the United States of America, Japan and the Federal Republic of Germany. In the case of higher education, State expenditures amounted to ₱ 9 billion for the 76 universities and institutes of higher education. A sum of ₱ 57 million was alloted to students in the form of scholarships and loans.

33. Replying to the question in section II.14, she said that the Government was committed to redressing the disparities in quality between establishments, particularly those in higher education, by reviewing educational standards in all disciplines and by the continuing upgrading of teacher competence.

34. Mr. VILLARROEL (Philippines), referring to the question raised in section II.17, said that education emphasized physical values (hygiene and health), intellectual values (knowledge, and critical thinking), moral values (integrity and discipline), spiritual values (faith in God), social values (sense of responsibility, mutual respect, the common good, respect for human rights, non-violence, popular participation), economic values (thrift, work ethic, self-reliance, productivity and entrepreneurship) and political values (nationalism, civic consciousness and love of country). These values were defined by the Department of Education, Culture and Sports, whose task it was to inculcate them into the education process. His delegation would arrange for the distribution to members of the Committee of a brochure in which the PRODED programme was described in detail.

35. Referring to the question put in section II.18, the Magna Carta for Teachers, promulgated in 1966 and applicable to all educators, remained in force. Its main aim was to protect and upgrade the economic and social status of public school teachers.

36. In conclusion, in discussing the new directions taken by his country in the area of science and technology, he said that education programmes at all levels now attached greater importance to scientific and technical subjects, particularly in computer sciences, nuclear physics and engineering.

37. The medium-term plan provided measures of encouragement, not only for the development and upgrading of technology, but also for its marketing and transfer, priority being given to technology which would have a sizeable impact on the economy and create jobs. A special effort would be made to achieve a closer relationship between science and technology and education and culture, and a closer association between non-governmental organizations and various other bodies in disseminating technical information, particularly in rural regions. A presidential study group had produced a report on the subject which reflected the will of the Government for progress to be made in science and technology in a wide variety of areas: electronics, textiles, fishing and oceanography, natural resources, agriculture, etc. The document would be distributed to members of the Committee.

38. The CHAIRMAN thanked the members of the Philippine delegation for their statements and invited the members of the Committee to make their comments.

39. Mr. TEXIER said that, as an expert on human rights, he had followed developments in the Philippines in the course of recent years with great satisfaction. In particular, the assumption of power by Mrs. Aquino had unquestionably been the starting point for a new policy by the Philippine authorities on human rights which was to be welcomed.

40. Regarding emigration, he asked whether, in contrast to their predecessors, who had seemed to encourage the emigration of manpower, the present leaders had taken steps to dissuade Filipinos - intellectuals or others - from seeking employment overseas and to curb the brain-drain referred to in the report, and which could have only a negative effect on the economy and the future of the country.

41. He also requested the view of the Philippine delegation on the procedure envisaged by the Committee for establishing a continuing dialogue with States parties. As in the case of the report of the Philippines, which contained no data later than 1980-1981, the reports submitted by the States Members were rarely up to date and in spite of the valuable information given orally by delegations, the Committee would really need to have additional information in writing in order to be able to form a precise opinion of the situation of human rights in the countries under consideration. The method envisaged, which all the members of the Committee appeared to support, was therefore as follows: the State party would provide additional information in writing, which the Committee would examine at the subsequent session. The Chairman of the Committee would then communicate to the State party the observations, conclusions or general comments of the Committee when it had concluded its consideration, after which the State party would, in its turn, on the occasion of its next report, make known its reactions to the Committee's conclusions or observations.

42. Mr. SIMMA, noting the wide disparity between educational establishments, in particular in higher education, requested details on the steps taken by the Government to ensure, on the one hand, that all sectors of the population had access to a good standard of education and, on the other, to close the gap in the quality of the education dispensed in the different establishments.

43. According to an article in the Far Eastern Economic Review of 6 July 1989, in the Philippines, there were excellent establishments particularly in higher education, such as the University of the Philippines or the Ateneo de Manila or De La Salle, but where it was almost impossible to enrol if one was not part of the elite of the country. That was the problem. Apparently, from kindergarten onwards, the entire educational system was geared in such a way as to function as a sieve and to let through only the rich. Only 63 out of 100 children completed primary school, and studies had shown that it was the poor students who dropped out. That phenomenon was still more pronounced in secondary education, where schooling was more expensive and where, at the end of the final year, only 40 per cent of the original number of pupils remained.

44. Turning to the disparity in the quality of educational establishments, he noted that, according to the aforementioned article, in Manila, in particular, parallel to prestigious schools such as the Ateneo de Manila and De La Salle, there was a university area known as the "University Belt" encompassing 25 overcrowded establishments pompously called "universities", but which, in fact, were nothing more than high schools.

45. Not only in the Philippines, but in many other countries, there was often a considerable difference between what the Constitution and the law said and what occurred in practice. For example, the Philippine legislation specified that college and university teachers must hold a master's degree; according to a study published by the World Bank in December 1988, however, 71 per cent of the teaching personnel in colleges had only a batchelor's degree. By the same token, under the Constitution of the Philippines, teachers should receive adequate remuneration, whereas, also according to the article in the Far Eastern Economic Review, in the higher education establishments of the University Belt a full-time teacher earned approximately ₱ 2,500 a month, i.e. a salary below the poverty threshold. He would therefore like to know what specific action the Government of the Philippines had taken to ensure better implementation of the law and to remove the disparity between the provisions of the Constitution and the facts. Had it, for instance, decided to raise teachers' salaries?

46. Mr. FOFANA requested details on the right to education and on pre-school education which was an important component of education, and a question which had not been dealt with either in the report or in the statement by the Philippine delegation, or only very perfunctorily.

47. Referring to the right to culture, page 6 of the report stated that the "Barangay" schools provided vocational training in various areas: garment manufacture, handycrafts, agriculture, culinary arts, etc. There was no mention however of training in cultural or artistic activities. Was that an oversight, or had nothing been planned for the moment?

48. Still on the subject of the right to culture, he asked whether there was any legislation in the Philippines guaranteeing freedom of scientific, literary and artistic production, as well as the free dissemination of the results of research, and protecting the moral and material interests arising out of scientific, literary or artistic work.

49. Mr. KOUZMETSOV requested details on the academic freedom provided for under the Constitution of the Philippines.

50. Mr. WIMER ZAMBRANO asked if religious marriage was recognized by the civil authorities, and, if so, in which way. The answer would help the Committee to form an idea of the kind of relationship existing between the State on the one hand and the community and its institutions on the other.

51. Mrs. JIMENEZ agreed with Mr. Simma, that there was a considerable difference between the principles laid down in national constitutions and their implementation, and it would be useful to know what measures the Government of the Philippines had taken in the field of education since the 1987 Constitution.

52. She also asked how many abandoned children there were in the Philippines, and whether the authorities intended to do anything for them, i.e., not only provide them with meals but also to take them in charge and give them an education.

53. Referring to the right to education, it was stated in the report (p. 2, para. 2 (d)) that special classes were planned for mentally gifted children. She would like to have details on the nature of those activities, since, according to the conclusions of the seminar in Madrid on the subject, it seemed that it was not always a good thing to separate those children from the others. That form of segregation could, in particular, give rise to communication problems.

54. The report also mentioned (p. 13, para. 24 (d)) a programme of educational assistance for non-Muslims. Was a similar programme envisaged for the Muslim population?

55. Mr. GLAIEL fully supported the observations made by Mrs. Jimenez. He also thought that it would be useful for the Committee to know exactly what had been done on those matters during the last four years, that was to say, since the restoration of democracy in the country.

56. He would like to know, in particular, whether the authorities encountered difficulties in guaranteeing the right to compulsory and free education and, if that were so, the nature of the difficulties, and he requested further details on the steps the authorities intended taking to overcome them.

57. He would also like to know who owned the private schools, and whether they were subject to State control.

58. Among the factors and difficulties affecting the implementation of the right to basic education, the report (p. 7, para. (12)) referred to the low motivation and training of teachers. He asked how the Government of the Philippines intended to set about resolving that problem.

59. In conclusion, Mr. Glaiel wished to know the percentage of pupils receiving their education in English and that of pupils receiving their education in Filipino.

60. Mr. MUTERAHEJURU considered that, if the Committee was to be able to form an opinion, it would be useful for the Philippines to transmit additional information in writing, since the report submitted by that country was really no longer up to date and the Philippine delegation had not been able to reply in sufficient detail to the questions formulated by the Pre-sessional Working Group.

61. On the subject of literacy, he wished to know the results of the functional literacy programme organized for teachers in cultural communities. He asked whether the illiterate groups in the population could not also benefit from the programme.

62. In regard to the values inculcated in youth, he asked that the criteria on the basis of which the values were selected should be clarified.

63. Mr. RATTRAY noted that, in response to the question in section II.6 concerning the qualifications of primary school teachers, the delegation of the Philippines had indicated that, as a rule, they were holders of a bachelor's degree, but that auxiliaries recruited by competitive examination were also employed; he asked whether the percentage of teachers in each of the two categories was known.

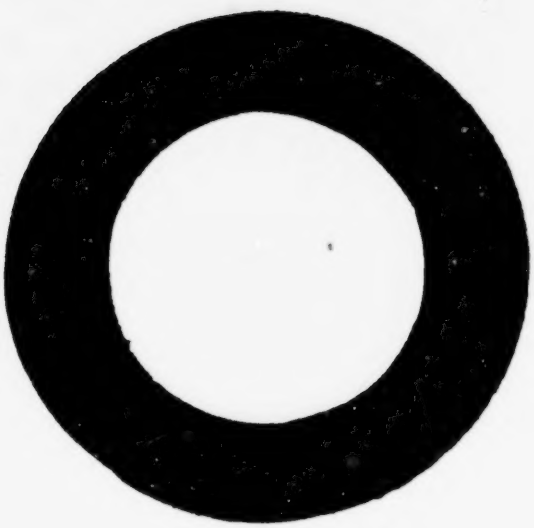
64. He also asked if Filipino citizens had already seen fit to have recourse to the law in order to uphold their right to education under the Constitution.

65. Finally, in reference to free education, he wished to know exactly what that idea involved in the Philippines, and in particular, whether it covered everything a pupil might need: textbooks and school supplies, but also meals, clothing, etc.

66. The CHAIRMAN, speaking as a member of the Committee, noted that there had been a decline in the influence of the Spanish language in the Philippines. Whereas, until the adoption of the Constitution in 1973, Spanish had been one of the official languages, today there were no longer any university courses given in Spanish and the only Spanish language newspaper in Manila La Voz de Manila, had ceased publication. He would, therefore, like to know what the Government of the Philippines intended to do to halt that decline and to preserve that language, which, in addition to constituting a bond with other Spanish-speaking countries, was also linked to the cultural heritage of the Philippines.

67. In his capacity as Chairman, he again thanked the members of the Philippine delegation for their very comprehensive statement and for all the statistical data that they had supplied in support of the report of their country.

The meeting rose at 1 p.m.



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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 January 1990, at 3 p.m.

Chairman: Mr. BADAWI EL SHEIKH

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Mexico (E/1986/3/Add.13) (continued)

1. Ms. GONZALEZ MARTINEZ (Mexico), replying to a number of additional questions put by members of the Committee, informed Mr. Rattray that the difference in the minimum age for marriage for men and women was attributable solely to medical and biological factors, and that as the report had indicated, minors who wished to marry required their parents' permission to obtain a marriage licence. In reply to Mr. Konate's question regarding polygamy, she said that as bigamy was clearly a form of polygamy, it was prohibited, and under the Federal District's Penal Code it carried a penalty of five years' imprisonment and a fine. In reply to Mr. Texier, she said that the law established no special property régime for couples living in cohabitation. The only types of property settlement were the two described in the report. In answer to the questions put by Mrs. Jimenez Butragueño, Mr. Muterahejuru and Mr. Fofana on the implications of cohabitation and its repercussions on marriage, she observed that cohabitation was a widespread means of forming a family in Mexico, in particular among the working classes. Accordingly, the law afforded protection to natural children and common law spouses and recognized the legal implications of cohabitation, in particular with regard to alimony, inheritance and social security, without detriment to marriage. Persons living in cohabitation could inherit from one another provided that they had lived together for a minimum of five years, and the Social Security Act stipulated that a common law wife and children were entitled to the social-security allowances of the insured person or retiree, provided that they were economically dependent upon him. The law also considered children born more than 180 days after the cohabitation had begun to be the children of the couple, as well as those born within 300 days from the end of the cohabitation. With regard to statistics on marriage and cohabitation, she noted that it was difficult to obtain figures on the number of couples cohabiting. In 1985, there had been 1,138,292 marriages, and age-specific marriage statistics were available if required. The Government had organized collective marriages in areas inhabited by people of scant means, allowing couples who had been living together for many years to legalize their union.

2. In reply to Mr. Texier's question on parental authority, she indicated that parental authority was exercised by the father and mother over their minor children and involved responsibility for the upbringing and education of their children. In cases of divorce, the children were placed under the parental authority of the innocent party, although on that party's death, the parental authority of the guilty party was restored. If both parties were guilty, they lost parental authority and the children were placed under the authority of the appropriate relatives or of a guardian. If divorce was pronounced because one of the spouses was suffering from a contagious or hereditary chronic or incurable illness, or incurable mental deficiency, the children were placed under his or her partner's authority, although he or she retained all other rights over the person and property of the children.

3. In answer to Mr. Rattray's question regarding the legal position on the imprisonment of juvenile delinquents and whether they were treated differently, she observed that throughout Mexico there were special institutions for the treatment of juvenile delinquents and that, in accordance with modern criminological practice, they were not considered as criminals. The Act that established Tutelary Councils for Juvenile Delinquents stipulated that minors brought before a judicial authority were to be immediately transferred to observation centres. The prison system in Mexico was based on the Act relating to Minimum Standards for the Social Rehabilitation of Convicts, and accordingly prisoners were treated in an individualized manner in order to facilitate their reintegration within society. The prison system comprised periods of study, diagnosis and treatment on the basis of personality studies, in order to prepare prisoners for release. If it was deemed necessary to detain minors, they were sent, without exception, to different institutions from those for adults, where they were treated on the basis of medical, psychological, pedagogical and social examinations. In observation centres, minors were divided up on the basis of sex, age, personality, state of health and other relevant criteria.

4. Mr. Texier and Mrs. Jimenez Butragueño had inquired about the difficulties faced in respect of Guatemalan refugees. There had never been any rejection of Guatemalan refugees. The problems initially encountered, in 1982 or 1983, had been attributable to the tense political situation in Guatemala, whence the need to settle the refugees in areas remote from the frontier for their own protection. Guatemalans formed an integral part of the communities in which they lived and enjoyed close links with their Mexican neighbours. In answer to Mr. Konate, who had inquired about the measures adopted to stem the outflow of Mexican migrant workers, or to organize the conditions in which they left or returned, she said that no measures had been adopted in respect of undocumented migrant workers, in accordance with article 11 of the Constitution on freedom of movement. Mexican law, however, stipulated the conditions under which Mexicans were hired to work abroad, and required that their contract be examined by the labour authorities and that they obtain a passport and the relevant visa. With regard to returning migrants, including undocumented migrants, the sole purpose of the relevant legislation was to afford them the necessary assistance and protection. She informed Mr. Marchan Romero that Mexican migrants who returned to Mexico were not subject to any form of discrimination or penalty, even if they had left as undocumented workers, nor were they required to bear the cost of their return. The only exception was for tourists who had requested consular assistance in the form of a loan in order to return to Mexico. In reply to Mr. Texier's question as to whether there was any agreement between Mexico and the United States relating to Mexican migrants, she said that no such agreement existed. The 1946 agreement had been terminated by mutual agreement in 1964, in spite of the protection it gave to migrant workers, as it had stimulated undocumented migration because entrepreneurs and farmers seeking cheap labour had endeavoured to circumvent it. It was undeniable that Mexican labour remained necessary, hence the demand for workers who were unfortunately exploited by groups of individuals who conveyed them without documentation to the United States.

5. In reply to Mrs. Jimenez Butragueño, she indicated that mothers who had been on maternity leave recovered their job immediately, with all their rights, including seniority. Women who had not possessed a fixed contract, as

had been the case of piece-workers in the clothing industry, might meet with difficulties, although the problem had received attention and was currently being solved.

6. In answer to Mr. Texier's question regarding the harmful impact of the drug traffic on Mexican political life, she asserted that there was no evidence of any particular problem. Clearly, however, the whole range of activities that comprised the drug traffic, from production to consumption, was extremely harmful for any society and for the international community, not only politically, but also socially, economically and culturally. Societies that had initiated drug consumption after the Second World War, and in which it had subsequently become a fashion, had indeed suffered from the drug problem, whose repercussions had been felt throughout the world on account of the dissemination of that practice through the media and through the behaviour of the so-called "jet set". Mexico had been used as a transit point for the drug traffic. Its proximity to the world's biggest drug market had led to its being used as an entry point for drugs into the United States, although it was not the only one, as the United States possessed an enormously long coastline through whose ports drugs also entered. In that connection, it had recently been reported that the drug mafia was seeking new entry points through Canada on account of the increasingly effective action by Mexico and the United States to prevent the entry of drugs through Mexican territory.

7. She informed Mr. Konate, who had asked a question on the protection of the right to land of the indigenous population, that the Federal Agrarian Reform Act defined the machinery and manner in which communities acquired property. The two legal categories were the ejido (commune) and the community, which had already been explained to the Committee. There was no specific protection for the indigenous communities, which did not live on reservations but were scattered throughout Mexican territory, as the law could not discriminate between indigenous and non-indigenous people. However, the indigenous population received legal advice from the National Indigenous Institute.

8. Mexico was not a party to ILO Conventions Nos. 50, 64 and 65 since it considered that they applied only to colonial countries. However, Mexico had ratified the ILO Indigenous and Tribal Populations Convention No. 107.

9. Mr. Alvarez Vita had asked about the criteria used to define indigenous peoples. A draft constitutional amendment was currently being studied, recognizing Mexico's pluri-ethnic make-up and providing for all levels of government to protect, preserve and promote the development of indigenous languages, cultures, customs and specific forms of social organization. The criterion used by the population censuses for membership of an indigenous group was that of language. Since 1949 the National Indigenous Institute had been conducting anthropological studies aimed at understanding indigenous peoples' values, and the Constitution of the state of Guerrero provided for the incorporation of the indigenous peoples into the economic and social development of the state and the preservation of their culture.

10. As for the possibility of resorting to the Office of the Government Attorney for the Defence of Indigenous Peoples, on 7 April 1989 the National Commission of Justice for the Indigenous Peoples of Mexico had been established within the framework of the National Indigenous Institute. It represented a special effort to respond with specific and immediate measures to the indigenous peoples' demands for justice.

11. As to whether Offices of the Government Attorney for the Defence of the Indigenous Peoples were being envisaged by States in addition to Oxaca and Guerrero, she said that was not the case. However, a constitutional amendment designed to ensure effective access to state courts by indigenous people and consideration by federal and local courts of indigenous legal practices and customs was under discussion. It was possible that other states of the Republic might enact legislation to that effect, but it should be borne in mind that the indigenous problem as such did not exist in all states.

12. Mrs. Jimenez Butragueño had asked about the use of indigenous medical techniques and traditional nutrition using Mexican plants. The National Indigenous Institute was making a praiseworthy effort to disseminate information on traditional medicine and the use of medicinal plants, and the Mexican Social Security Institute was conducting courses for herbalists aimed at integrating traditional medicine into allopathic medicine.

13. In reply to Mr. Texier, she gave a brief history of the ejidos, or communal lands, held by the indigenous communities before the Spanish Conquest. The Spanish term ejido possibly derived from "exitus", meaning exits, referring to lands for common use located at the exit of the communities. During the colonial era and after independence, the lands had become private property, and their return to the Communities had become a popular demand during the Mexican Revolution.

14. In reply to Mr. Alston, she said that Mexican law established the right to housing but did not lay down norms or procedures for making that right effective. The law provided for the exercise of that right through credits for the construction and purchase of housing, with preference given to the neediest or persons with the lowest incomes who were also heads of family. Housing was granted through public institutions with the support of social organizations such as trade unions, co-operatives and civic associations; it could not therefore be invoked as an individual right.

15. Mr. Alston had also asked whether there were conditions attached to external housing loans. The Mexican Government, through the Trustee Fund for People's Housing (FONHAPO) as implementing agency, had recently signed a $350 million loan agreement with the World Bank, which the Government would match for a total of $700 million. The following conditions were attached to that loan, known as FONHAPO II to distinguish it from earlier loans: (a) sixty per cent would be channelled through public institutions and 40 per cent through social organizations; (b) seventy per cent would be used for low-cost activities, in order to make the credits go as far as possible; (c) contractors would be chosen only after competitive public bidding; and (d) the percentage of the prompt payment subsidy for beneficiaries was reduced to a maximum of 30 per cent of the total credit.

16. In reply to Mr. Texier, she said there was no programme for guaranteeing the most vulnerable groups a minimum income since the national economy did not have sufficient capacity to give money to the lowest-income segments of the population; however, the goal of the National Solidarity Programme (PRONASOL) was to help relieve extreme poverty in accordance with the National Development Plan 1989-1994. In reply to Mr. Fofana, she said that the unemployed were defined according to the ILO definition, i.e. persons holding a job who for any reason whatsoever ceased to hold it, and the under-employed as persons carrying out economic activities without being responsible to an

employer, without having a fixed salary without paying taxes. As for measures to help the unemployed enjoy the provisions of article 11, the Government had established the PRONASOL to combat extreme poverty through co-ordinated efforts between the three levels of government and the social groups. PRONASOL was aimed at strengthening the production capacity of the groups that required it and helping to incorporate them more fully into the benefits of progress. The Programme was primarily aimed at indigenous peoples, low-income peasants and marginal groups in the large urban centres. The areas receiving particular attention were food, housing, health, drinking water, agricultural infrastructure and education. Because of the economic crisis, the unemployed did not have access to social security, although they did enjoy basic health services. Although education was free, lack of income reduced opportunities for the children of the unemployed.

17. In reply to Mrs. Jimenez Butragueño's question whether the Economic Solidarity Agreement could protect retired people and low-salaried workers from inflation, she said the primary aim of the Agreement was to reduce inflation, which was the way in which it could help those groups to maintain their purchasing power.

18. In reply to Mr. Alston, she said that extreme poverty was defined as a lack of appropriate elements to cover a minimum of basic needs. PRONASOL defined persons living in extreme poverty as those lacking income equal to the minimum wage and living in places lacking services. Extreme poverty was a cumulative phenomenon characterized by lack of adequate housing, food, clothing and public services. Approximately 15 million persons were in that situation, lacking productive jobs and for the most part participating in the informal economy, which was why PRONASOL's priority was the generation of employment. In reply to Mr. Fofana's question concerning the GNP and GDP figures, she said that in 1989 the growth rate of GNP had been 3 per cent and of the per capita GNP 0.8 per cent. The GNP and GDP figures were similar for Mexico because its economic activity abroad did not have a significant impact on the GNP figure.

19. In reply to Mr. Muterahejuru, she said that agricultural food imports did make it possible to cover the national consumption deficit. Imports of basic products had amounted to 9.5 million tons in 1989, and a similar amount was predicted for 1990. With regard to the drop in coffee prices, the 167,000 families that depended on that crop were the subject of emergency programmes such as the emergency loan plan for farmers set up within the framework of PRONASOL. Regarding research on climatological changes in anticipation of natural disasters, the Department of Urban Development and Ecology, through the National Ecology Commission, and the Directorate-General for Civil Defence, a division of the Department of the Interior were at work on a system for detecting climatological changes.

20. In reply to Mr. Alston's questions concerning the struggle against malnutrition, she said the National Health System programmes were implemented directly by the Department of Health. In addition, the National Consumers' Institute disseminated information to help the public improve its nutrition at the least possible cost and limit the harmful influence of publicity on Mexicans' diet. In that connection, a new regulation governing the General Health Act, concerning limitations on publicity for health reasons, had been enacted on 26 September 1986. The National System for the Integrated Development of the Family (DIF), responsible for implementing the Government's

social welfare policies, helped to improve the nutrition levels of high-risk groups through its food assistance programmes. The DIF also provided those groups with special training and education in the field of nutrition to help them grow basic crops and raise animals and thus become self-sufficient. In 1987, the DIF had distributed 996,224,000 food rations. Also in 1987, the Nutrition and Health Programme 1987-1988 had been instituted. In one year the Programme had distributed food rations to approximately 366,000 families in rural zones, containing pre-school children, pregnant women or nursing mothers. The programme was carried out most intensively in the 10 states with the most critical malnutrition levels, providing rations in the amount of 400 kilocalories per person per day. Unfortunately, the programme did not reach the entire population, especially that of the most remote rural zones.

21. Mr. Rattray had asked many questions about health services in Mexico. Concerning paragraph 267 of the report, there was no qualitative difference in the three types of medical care with regard to the training and professionalism of the medical staff, although there might be some differences in facilities between private and public institutions.

22. Concerning the distribution of medical care by sector, she gave the following figures: the Mexican Social Security Institute provided services to 36 million persons, the Institute of Social Security and Social Services for State Employees to 7.7 million and other federal institutions to 2 million; services were also provided by trade-union institutions. None of those services were mutually exclusive. Private medicine provided care and services for approximately 3.5 million inhabitants.

23. Of the open population, i.e. that not registered with any social security service, approximately 18.3 million persons had received services from the Department of Health, and 10.3 million through the IMSS - COPLAMAR programme. In 1985, the Department of Health had established the Health Care Model for the Open Population (MASPA), a network of health establishments providing services at three levels. The first level consisted of health centres of a modular design, geared to the particular rural or urban zones in which they were situated. There were four types of centres: auxiliary health units, the simplest type, with one doctor covering from 1,000 to 2,500 inhabitants in rural areas with critical epidemiological problems; rural health centres for scattered populations, which contained one or two modules and covered a maximum of 6,000 inhabitants; rural health centres for concentrated populations, containing from one to six modules and covering up to 18,000 persons; and urban health centres, which contained from 3 to 12 modules and provided services for between 8,000 and 36,000 persons.

24. The second level of services was based on an infrastructure of general hospitals containing from 30 to 180 beds according to size of population, and the third level was provided by the national institutes of cancerology, cardiology, neurology, neurosurgery, nutrition, paediatrics, perinatology, psychiatry and respiratory diseases.

25. The CHAIRMAN expressed the Committee's appreciation to the Government of Mexico for the constructive dialogue that had taken place. He noted that the members would be making concluding observations on the Mexican report, which would be reflected in the summary records and communicated to the Government of Mexico.

26. Ms. Gonzalez Martinez, Mr. Elias Barragán and Mr. Naveja withdrew.

27. Mr. VILLARROEL (Philippines) said that among the many changes which had been brought about by President Aquino was the introduction of the spirit of openness which currently pervaded Philippine dialogue with all the United Nations human rights bodies.

28. Turning to specific questions put by members of the Committee, he said that Mr. Texier had asked about the Philippine Government's policy on migrant Philippine workers. The Government had no policy either to encourage or discourage emigration. However, it recognized the inherent right of individuals to liberty of abode and if many Filipinos chose to work abroad, it was because of the serious unemployment problem at home: over 2 million people were unemployed. Abroad there were many jobs available in the services sector which Filipinos were prepared to accept. On the other hand, the Government, recognizing the inherent duty of the State to protect its citizens, endeavoured to prohibit illegal migration, one method being by stamping the passports of Philippine tourists "not valid for employment". Furthermore, persons who desired to work abroad were required to produce a contract of employment valid in the country of destination. The Government was also mindful of the prejudicial effects of the brain drain and co-operated with the Inter-Governmental Committee for Migration to encourage the return of qualified personnel to the Philippines.

29. Mr. Simma had asked (list of issues II (14)) about the disparity between the élite universities and those in the so-called "university belt" in Manila. First it should be made clear that many institutions in the university belt, including the University of San Tomas, the oldest university in the Philippines and probably in the Far East, were on a par with the élite universities. The current Secretary of Education, Culture and Sports had formerly been the President of the University of the East in the belt. However, such universities differed from élite universities in the facilities which they could offer. The quality of education in all universities was constantly being improved through curriculum development, staff development, the upgrading of physical facilities and better planning and management. The Government fully recognized that there was a gap between what the law stated and what actually existed in practice, but it was handicapped by a lack of resources. With regard to the statement that 71 per cent of all college teachers did not have a master's degree, he would look into the allegation and provide further information in writing.

30. Ms. BATACLAN (Philippines), referring to a recent press report that the salaries of State schoolteachers in the university belt area were below the official poverty line, said that it was true that such had been the case. In 1989, President Aquino had signed the Salary Standardization Bill, which provided for salary increases for 1.7 million Government employees including teachers. In the case of the latter, the basic monthly salary had been increased by 25 per cent from 2,464 pesos to 3,102 pesos. The current Secretary for Education, Culture and Sports regarded the implementation of that measure as being of the utmost priority.

31. In reply to Mr. Fofana's questions about pre-school education, she said that it was optional for children between the ages of three and six and its content was much the same as kindergarten activities everywhere, with stress on social interaction. The importance of pre-school education was recognized and it was widely available in towns, but less so in country districts. With regard to the protection of intellectual property, she said that it was

adequately covered by domestic legislation; furthermore, the Philippines was party to the Paris Convention for the Protection of Intellectual Property, the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention.

32. Mr. VILLARROEL (Philippines), responding to questions about functional literary programmes, said that the information was contained in the Government's medium-term plan 1987-1992, with relevant statistics in the chapter on education and manpower. The plan covered functional literacy and skills training for out-of-school youth, the unemployed and underemployed and even the employed who required skills upgrading. Between 1983 to 1986, over 8,000 functional literacy classes and nearly 30,000 livelihood skills classes had been organized, benefiting over 700,000 individuals. During the same period nearly 700,000 persons had graduated in skills training and over 60,000 from apprenticeship classes. Over 100,000 rural out-of-school youths had received agricultural skills training. Nevertheless, according to a 1985 survey, only 3.6 per cent out of 3.5 million out-of-school youths had received some form of vocational training. That indicated the inadequacy of current training programmes.

33. Ms. BATACLAN (Philippines), responding to Mr. Kouznetsov, said that the guarantee of academic freedom in all institutes of higher learning in article XIV of the 1987 Constitution covered the institution, faculty members and students. That guarantee was being developed through case law rather than further legislative measures. Cases were being decided on the basis of the application of the definition of academic freedom generally accepted in most educational institutes in the world in respect of faculty members. By that definition, the teacher was entitled to full freedom of research and to publication of results of such research, subject to adequate performance of other academic duties. The teacher was also entitled to freedom of discussion in the classroom, with the proviso of not introducing controversial matter which had no relation to the subject under consideration and having regard to the fact that he or she was also a citizen, a member of a learned profession and an officer in an educational institution. Students were entitled to enjoy the rights guaranteed in the Bill of Rights but, according to case law, the educational institution retained the right to determine qualifications for the admission of students so that they could be refused admission on academic grounds.

34. Mr. Wimer Zambrano had asked about the legality of religious marriages in the Philippines. The answer was that such marriages could be solemnized by any person authorized by the cult in question to perform the ceremony, provided that the couple were legally competent to enter into matrimony.

35. Mr. VILLARROEL (Philippines), in response to a request from Mrs. Jimenez Butragueño for further information about the Philippine educational system, said that he would be sending her a number of documents, including the text of the law providing for free secondary education, the Secondary Education Development Programme, the Decentralized Educational Development Programme and the Magna Carta for Teachers (list of issues II (18)) which, first adopted in 1963, was still valid. With regard to her question on abandoned children, he would provide further information in writing, including the statistics she had requested. Scholarships were available for Muslim students under a special programme and, there again, he would provide more details in writing, including statistics. Scholarships

provided free tuition but all other expenses of attending an educational institute had to be borne by the parents. In the Philippines there were special schools for gifted children but the intention was not to isolate such children but merely to expedite their development. Further information would be provided in writing.

36. Ms. BATACLAN (Philippines), answering Mr. Glaiel's question about the ownership of private schools, said that by constitutional provision, private schools had to be owned by Philippine nationals or by corporations 60 per cent owned by Philippine nationals. The only exception was schools run by foreign missions for their own nationals. With regard to the use of English or Filipino in schools (list of issues III (2)), there was really no debate on the subject. The Department of Education, Culture and Sports had promulgated a bilingual policy for Philippine education whereby at the first and second levels of education, subjects in science, technology and mathematics were taught in English while subjects in the social sciences and other areas were taught in Filipino.

37. Mr. VILLARROEL (Philippines), responding to the question about the emphasis on values education in the new Constitution (list of issues II (17)), said that article XIV (2) of the 1987 Constitution stated that all educational institutions should inculcate patriotism and nationalism, foster love of humanity, respect for human rights and appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage political and creative thinking, broaden scientific and technological knowledge and promote vocational efficiency.

38. The Department of Education, Culture and Sports had devised a values education programme framework, defining principles and guidelines for values education at the national, regional, local and institutional levels. Values education must be oriented towards the total person, his mind, heart and entire being; it must take into consideration the unique role of the family in the individual's personal development and integration into society and the nation. In the school context, more important than lesson plans or any list of values were the teachers themselves: they must have a proper sense of values, awareness of their inner worth, and the utmost respect for the person of the other.

39. The Values Conceptual Framework defined by the Department of Education attempted an orderly description of a desirable value system on the basis of an understanding of the human person; it was conceptual; it listed ideals that had to be internalized in the educational process; and it was intended to be applicable in varying degrees to all three levels of the educational system.

40. He asked for clarification of the question raised by Mr. Muterahejuru at the previous meeting regarding ethnic communities.

41. Mr. MUTERAHEJURU said that his question had referred to paragraph 2 (h) of the Philippine report, on the functional literacy programme for teachers of ethnic communities. He wished to know, first, what were the results of the programme; and, secondly, whether any benefits had accrued to the recipients of the teaching, as opposed to the teachers.

42. Mr. VILLARROEL (Philippines) said that he had already given details of the functional literacy programme and provided statistics. With specific regard to ethnic communities, his delegation would supply answers in writing at the time of submission of the next report.

43. Ms. BATACLAN (Philippines), responding to Mr. Rattray's question whether the right to education was enforceable, said that the International Covenant on Economic, Social and Cultural Rights and generally accepted principles of international law were deemed, by virtue of a constitutional provision, to be part of the law of the land, particularly because the Constitution incorporated the provisions of the International Covenant. In so far as the right to education included the obligation of the State to guarantee enjoyment of that right and to undertake to promote the exercise thereof, the citizen could demand it from the State. In principle, a citizen could compel the Government to provide free education; however, there was as yet no case law in that regard. In the context of the State's obligations under the Covenant, the only implementing mechanism was the present reporting procedure. It was to be hoped that in the future international norms and jurisprudence on the matter would develop, so as to facilitate full enforcement of the right to education, and indeed of all economic, social and cultural rights, at the national and international levels.

44. Mr. VILLARROEL (Philippines) said he wished to clarify the situation regarding the hiring of teachers. He had already stated that for teachers in the kindergarten and elementary grades, a Bachelor's degree in elementary education was required. The law further provided that in the absence of applicants possessing the minimum educational qualifications, the school superintendent might appoint, under a temporary status, applicants who did not meet the minimum qualifications. Should teacher applicants, whether or not possessing the minimum educational qualifications, be required to take competitive examinations, preference in making appointments should be in the order of the respective ranks in the said competitive examinations. The results of the examinations were to be made public and every applicant was to be furnished with his score and rank in the examinations. When recruitment took place after adequate training and professional preparation in any school recognized by the Government, no probationary period preceding regular appointment was to be imposed if the teacher possessed the appropriate civil service eligibility. Where, due to the exigencies of the service, it was necessary to employ as a teacher a person who possessed the minimum educational qualifications, but who lacked the appropriate civil service eligibility, such a person was to be appointed under a provisional status and was to undergo a period of probation of not less than one year from the date of his provisional appointment.

45. No statistics were currently available on the numbers of teachers hired on a temporary basis, and on those hired as qualified teachers. Statistics would be provided in writing at the time of submission of the next report.

46. In response to a question raised by Mr. Alvarez Vita, he said that, while the loss of Spanish as an official language was to be regretted, the influence of Spain on Philippine culture was none the less still strong. Summarizing the relevant portions of the deliberations on adoption of the 1987 Constitution, he said that the State was encouraged to promote Spanish as a voluntary and optional language. It might thus be inferred that the State could not indiscriminately require Spanish for all degree purposes.

Some schools, however, in the exercise of academic freedom, might continue to require it for certain major subjects. Spanish had been singled out because of its historic value, its world importance and its links with Philippine culture.

47. His delegation proposed to update to 1988 the information contained in its report, replying to the list of issues submitted and thereby completing its first and second cycle reports under articles 13 to 15 of the Covenant, the understanding being that the Committee would consider the written report at its next session. It welcomed the new procedure adopted, whereby questionnaires were to be forwarded to delegations in advance, enabling them to prepare more thorough answers. Other treaty bodies should be encouraged to adopt such a procedure.

48. Mr. WIMER ZAMBRANO, referring to the recognition by the Government of religious marriages, asked what effect religious marriages had on civil marriages. Could the former replace the latter?

49. Ms. BATACLAN (Philippines) confirmed that religious marriages could replace those solemnized by the civil authorities. She stressed that, in the context referred to by her delegation, "religious marriage" automatically implied compliance with the civil requirements in the matter.

50. The CHAIRMAN thanked the Philippine delegation for its introduction to the report of the Philippines, for its responses to the additional comments and questions, and for its promise to provide additional information. The Committee's concluding observations on the report would be communicated to the Government of the Philippines in due course.

The meeting rose at 5.35 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 January 1990, at 10 a.m.

Chairman: Mr. BADAWI EL SHEIKH

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Jamaica

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The meeting was called to order at 10.30 a.m.

ORGANIZATION OF WORK (agenda item 4) (E/C.12/1990/L.1)

1. The CHAIRMAN informed the Committee that the members of the sessional Working Group would be Mr. Kouznetsov, Mr. Texier, Mr. Wimer Zambrano, Mr. Muterahejuru and Mr. Sparsis. Since it was an open-ended body, other experts who so wished could join them. The Working Group would elect a Chairman before beginning its consideration of the draft guidelines prepared by Mr. Simma, the draft general comments prepared by Mr. Texier, and any other draft comments that might be submitted to it. In order to enable it to complete its work, the Committee would allow it all available free time, and the secretariat would provide it with the necessary interpretation services.

2. The officers of the Committee would hold a briefing for representatives of the specialized agencies on Thursday, 1 February at 9.30 a.m. and a press conference on Wednesday, 31 January at 9.30 a.m. All members of the Committee were invited to participate in both meetings.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

INITIAL REPORTS CONCERNING ARTICLES 10 TO 12 AND 13 TO 15 OF THE COVENANT AND SECOND PERIODIC REPORTS CONCERNING ARTICLES 6 TO 9

Jamaica (E/1986/3/Add.12, E/1988/5/Add.3 and E/1984/7/Add.30)

3. At the invitation of the Chairman, Mrs. Nembhard and Mr. Smith (Jamaica) took seats at the Committee table.

4. Before giving the floor to the Jamaican delegation, the CHAIRMAN noted that, by submitting promptly its initial reports on articles 10 to 12 and 13 to 15 of the Covenant and its second periodic report on articles 6 to 9, Jamaica had given evidence of its interest in the Committee's work and its desire to hold a dialogue with the Committee and help it perform its work.

5. Mrs. NEMBHARD (Jamaica) said that she would first give a general introduction of the three reports considered as a whole and would then reply to the Committee's written questions.

6. The promotion of economic, social and cultural rights in Jamaica had been hampered by the difficult economic situation facing the country during much of the 1980s. From 1984 to 1986, owing to a contraction in the international aluminimum industry, national production of bauxite and alumina, the country's major foreign-exchange source, had fallen precipitously, causing a sharp drop in foreign-exchange earnings from $US 220.2 million in 1984 to $US 138.7 million in 1985 and $US 165.3 million in 1986.

7. The decline in the mining industry had been accompanied by declines in the output of agriculture, manufacturing, construction and public works, with the result that total GDP had fallen between 1983 and 1985. Although tourism had grown between 1984 and 1987, that had not been sufficient to fill the gap created by the declines in other sectors.

8. Jamaica had twice devalued its currency - in 1983 and again in 1986 - in a bid to improve the balance of payments by making its exports more competitive and discouraging imports. However, those devaluations had brought about a sharp increase in inflation and a tremendous increase in the external debt. For the fiscal year 1988/1989, debt-service payments had represented 50 per cent of total revenue.

9. To reduce the debt burden, Jamaica had negotiated rescheduling agreements, but they focused on the portion owed to bilateral creditors: it had not been possible to reschedule the remaining portion owed to multilateral institutions such as IMF and the World Bank. Jamaica had also resorted to the arrangement whereby part of the debt was converted to foreign equity in Jamaican companies.

10. The 1980s had been characterized by the structural adjustment programme undertaken with the help of the World Bank, which had granted Jamaica three structural adjustment loans, and by the stabilization programme supported by IMF. A condition of those programmes had been the reduction of the fiscal deficit and a tariff reform aimed at broadening the tax base and increasing revenue intake. Despite an improvement in revenue receipts, however, the increasingly heavy expenditure attributable to devaluation had prevented the Government from meeting the increased expenditure required for basic services.

11. Towards the end of the decade, however, economic performance had begun to improve, and it had been possible to launch a "social well-being programme" designed to restore social services. The programme, subsequently renamed the "human resources development programme", was being continued.

12. Unfortunately, the hurricane of 12 September 1988 had seriously jeopardized economic recovery. According to the assessment of the Planning Institute of Jamaica, the damage and loss of earnings caused by the hurricane had been between $J 5.5 billion and $J 8.3 billion ($US 1 billion and $US 1.5 billion).

13. The Planning Institute of Jamaica prepared annual economic and social studies and quarterly economic reports. Copies of both publications would be made available to the secretariat.

14. Before replying to the Committee's written questions, she explained that the Jamaican authorities had received them only the previous week, and so she might not be able to give as comprehensive replies as she would have wished.

15. Concerning the general framework within which the Covenant was implemented (sect. I), and more precisely the geographical features of the country and its population, she said that Jamaica, located between the seventeenth and eighteenth parallels about 700 miles south of Miami, was the third largest Caribbean island. In fact, it was bigger than all the other Commonwealth Caribbean islands put together and had just over half their total population. Situated directly on the trade routes from Europe through the Panama Canal, Jamaica was also a crossroads for air and sea traffic between North America and South America. Its 4,411 square miles offered a landscape of mountains, plateaux and plains. Its highest summit, Blue Mountain Peak, in the east, was 7,402 feet high.

16. The official language was English, but many Jamaicans also spoke a dialect. A large number of religions coexisted, and freedom of religion was guaranteed by the Constitution.

17. Jamaica had a population of approximately 2,340,000, most of whom (95 per cent) were of African origin. There were also small minorities of whites, Chinese, East Indians, Jews and Arabs. Those varied peoples lived in harmony, without tension or racial difficulty. There were no descendants of the Arawaks, the first inhabitants, but descendants of the Maroons, who had been escaped slaves, still lived in the interior.

18. Jamaica, a member of the Commonwealth since 1962, enjoyed a democratic form of government. Its Parliament consisted of a House of Representatives (60 members chosen every five years by universal suffrage) and a Senate (21 members appointed by the Governor-General, 13 of whom were nominated by the Prime Minister and 8 by the leader of the Opposition). The functions of the Governor-General, who represented the Queen, were purely ceremonial; the Government was headed by the Prime Minister.

19. There was an independent Judiciary with power to adjudicate in all civil and criminal matters.

20. Since the introduction of universal suffrage in 1944, Jamaica's political history had been dominated by two political parties: the People's National Party, to which the current Prime Minister, Mr. Michael Manley, belonged, and the Jamaica Labour Party of Opposition leader Mr. Edward Seaga.

21. Concerning economic, social and cultural characteristics, Jamaica operated a mixed economy. Most production of goods and services took place in the private sector, but with State participation in the form of government-owned companies.

22. The main economic activities were agriculture, the mining of bauxite, the processing of alumina and tourism. Agriculture was the main occupation of the majority of the population, the chief exports being sugar, bananas and coffee.

23. Reviewing the main economic and social indicators, she said that in 1988 per capita income had been $J 7,415 ($US 1,348) and GDP $J 17,471,800,000 ($US 3,176,690,000) at current prices and $J 1,979,600,000 ($US 359,930,000) at constant prices, with the base year taken as 1974. The inflation rate had been 8.8 per cent. Regarding the balance of payments, the change in reserves had been $US 143.3 million. There had been a deficit of $US 596.1 million in the balance of trade, with f.o.b. exports at $831.6 million and c.a.f. imports at $1,427.7 million. At the end of September 1988, the external debt had been $US 3,990,000,400. The umemployment rate in 1988 had been 18.6 per cent. According to a 1987 poll, the literacy rate had been 76 per cent. The infant mortality rate had been 13.2 per 1,000 in 1985. Life expectancy in 1988 had been 70 years, the goal for 2000 being 73 years.

24. Regarding social features, she said that the social sector was reasonably well developed and that the State had a long history of support for basic services in health and education.

25. Public health care was generally free or at nominal cost; private health care was also available. Education was free up to the secondary level.

26. Jamaica had a rich cultural heritage. There was a multi-faceted programme geared to promoting culture, stimulating historical research and boosting tourism. "Reggae", a popular music form for which Jamaica was well known internationally, remained one of the country's major cultural characteristics.

27. As to the general legal framework within which human rights were protected, fundamental rights and freedoms - the right to life, liberty and security of person, enjoyment of property, freedom of conscience, freedom of expression, assembly and association, and respect for privacy and family life - were entrenched in chapter III of the Constitution, which also enabled anyone who alleged a breach to apply to the Supreme Court for redress.

28. Economic, social and cultural rights covered by the Covenant were not exhaustively listed in the Constitution, but the legislation mentioned in Jamaica's report contained provisions giving some measure of protection in respect of the following rights: right to just wages and conditions of work (art. 7), right to form and join trade unions (art. 8), right to social security and social insurance (art. 9), right to protection and assistance of the family (art. 10), right to an adequate standard of living (art. 11), right to the protection of physical and mental health (art. 12), right to education (art. 13) and, right to protection of cultural, literary and artistic works (art. 15).

29. However, the Constitution contained no measures comparable to those relating to civil and political rights that would enable individuals to seek redress for breach of the economic, social and cultural rights provided for in the Covenant.

30. Replying to question I (2) asked by the Committee, she said that the information and publicity given to the Covenant fell within the context of the general attention given to human rights in Jamaica. The text of the Covenant had been disseminated to schools, public libraries and government agencies. The fortieth anniversary of the Universal Declaration of Human Rights had been celebrated on Human Rights Day, 10 December 1988. The Ministry of Foreign Affairs and the Jamaica Information Service had co-ordinated a week of activities emphasizing the importance of human rights: newspaper articles, public lectures, special television programmes and discussions. In preparing the reports submitted to the Committee, relevant bodies were consulted, and questions and clarifications that arose during the meeting of the Committee were also directed to them. After they were examined by the Committee, the reports were transmitted to the relevant agencies for attention.

31. Concerning question I (4) on possible consequences of the change of Government, she stated the Government's objectives for the period 1990-1995: first, to achieve real growth of the economy on a self-sustaining basis by increasing the production of goods and services in the agricultural, manufacturing, mining and tourism sectors; second, to shift the main source of finance for capital investment from foreign borrowing to local savings through tax concessions; third, to provide incentives for Jamaican migrant communities to invest in Jamaica and to hold savings in Jamaican financial institutions; fourth, to address the problem of inadequacy of the social sectors by means of an integrated and co-ordinated human resource development programme; fifth, to protect and improve the environment; sixth, to promote home ownership by

persons with low or moderate incomes; seventh, to provide comfortable, reasonably-priced public transport in urban and rural zones; eighth, to increase personal safety through vigorous prevention measures; ninth, to strengthen and develop trade and economic relations with the countries of Latin America and other developing countries; tenth, to improve the terms of trade with Jamaica's traditional trading partners and to strengthen trade relations with the developed countries of the Americas, Europe and Asia in order to encourage them to invest in the country; eleventh, to encourage people's participation in the economy and society. While all those goals represented the priority areas of the Government's development policy, they must be pursued in the context of the need to address internal and external imbalances within the economy, in particular the restoration of balance-of-payments viability.

32. Concerning race (question I (5)), she said that an individual's socio-economic advancement in Jamaica was highly dependent on access to educational opportunities and individual talent; race was irrelevant.

33. In reply to question I (6) on national identity, she said that the arts and culture were playing an increasingly important role in consciousness of that identity. Each year, the celebration of independence was the occasion for cultural events, parades and exhibitions; and the annual National Heritage Week culminated in National Heroes' Day, during which the people paid tribute to its heroes of the past.

34. Besides the Ministry of Culture, two main institutions had formal responsibility for cultural development: the Institute of Jamaica and the Jamaica Cultural Development Commission.

35. Concerning international co-operation (question I (7)), she said that economic co-operation programmes, while supportive of the rights set out in the Covenant, did not mention them explicitly. As a general rule, however, the Government's policy was that such programmes should enhance the economic and social well-being of the country. A significant proportion of official development assistance was used in capital projects implementation, strict attention being paid to the priority needs of the country: housing, public health, human resources development, transportation and roads.

36. Turning to section II of the list (Specific rights), beginning with article 6 of the Covenant, she said that the right to work was not expressly recognized in Jamaican legislation. As indicated in the report, however, all Jamaicans had the right to earn their living by performing work of their choice. The unemployment rate for women had been 30.4 per cent in 1987, 28.2 per cent in 1988 and 28 per cent in February 1989. Contrary to what was stated in question II (1) (b), women in domestic employment were accounted for in official labour statistics.

37. The "brain-drain" (question II (1) (c)) was a serious problem for Jamaica. The State had responded to it by increasing remuneration and improving conditions of service. In addition, an administrative reform programme had been introduced, providing for the improvement of conditions of service in the public sector, and the Ministry of the Public Service had recently completed a five-year programme of administrative reform.

38. In reply to the first question relating to article 7 of the Covenant, she said that all "free zones" were administered by public bodies set up specifically. In addition, the Factory Inspectorate of the Ministry of Labour reported on the physical conditions of factories in those "zones" on a quarterly basis. The reports were given to the managers of the factories, with copies to the administration of the "free zones", which, if necessary, took corrective action to improve working conditions. Wages in the "free zones" were not lower than in the rest of the country. For example, the prescribed minimum wage for the textile industry, which was the predominant industry in the "free zones", was above the national minimum wage.

39. Employers were not notified in advance of quarterly inspections. The Factory Inspectorate Act governed sanctions for violations of work-place regulations, and workers could report unsafe working conditions between inspections, without threat of reprisal, to the Ministry of Labour, which then conducted an investigation.

40. In reply to question II (3) (a) concerning trade union rights in the "free zones" (Covenant art. 8), she explained that the Constitution and laws of Jamaica allowed workers to join trade unions of their choice. Where there was no trade union, there were workers' councils which met with management to air their grievances. As to the right to strike, labour legislation provided only for the "freedom" to strike, but she was not aware that any workers in the "free zones" had been dismissed or threatened for striking.

41. Concerning the right to social security (question II (4), Covenant art. 9), she noted that the low percentage of GNP spent on social security was due to the fact that Jamaica had been in a serious economic situation during the 1980s. To secure much-needed foreign exchange, therefore, the country had been forced to conclude with IMF agreements which set as a condition constraints on budgetary expenditure. As a result, expenditure on social services had been curtailed.

42. Her Government would reply at a later date to question II (4) (b) (relationship between social security benefits and the cost of living).

43. The low percentage of beneficiaries of old-age, invalidity and employment-injury insurance (question II (4) (c)) was due to the fact that the small amount of contributions made it impossible to compensate the victims sufficiently, and inflation had eroded the value of benefits over the years. The Government was considering various measures to remedy the situation: raising the ceiling of maximum-contribution income from $J 7,800 to $J 23,400, improving the system for collecting contributions, upgrading benefits in the light of the cost of living, annual inflation adjustments for both contributions and benefits, improving the conditions under which benefits were paid, and a national information campaign.

44. In reply to the first question relating to article 10 of the Covenant, she said that the goal of the national population policy was improvement of the quality of life of the Jamaican people by limiting population growth. The population should not exceed 3 million by the year 2000 if favourable conditions for economic and social development were to be achieved.

45. Family planning programmes, which were expected to play a major role in that area and were run by the National Family Planning Board (NFPB), the Ministry of Health and a number of voluntary organizations, involved a large-scale education and information campaign through various means: brochures and handbooks, workshops and seminars, counselling centres and education in schools.

46. The NFPB also trained personnel responsible for counselling families. In addition, pharmacists and medical personnel provided information on the use of contraceptives. The Jamaica Family Planning Association (JFPA) took its message to rural areas by organizing lectures and using the media.

47. Over 370 clinics across Jamaica offered clinical and surgical treatment, distributed contraceptives and provided medical counselling. Surgical contraception was practised at two JFPA clinics and at public and private hospitals. Contraceptives could also be obtained in pharmacies, supermarkets and service stations.

48. There were liaison officers throughout the island who co-ordinated the family planning programme and reported to a national co-ordinator within the Ministry of Health, and social surveys were conducted periodically to ascertain the effectiveness of the various programmes.

49. The NFPB and Ministry of Health family planning programmes were funded by the Jamaican Government, but for specific programmes funding was sometimes obtained from the World Bank, UNFPA and USAID. The JFPA, which was a private organization, had to seek its own funding sources. However, it benefited from funding provided by the International Planned Parenthood Federation, USAID and other overseas sources.

50. The reply to the second question relating to article 10 (question II (5) (b)) would be given at a later date.

51. In reply to the questions on the implementation of article 11 of the Covenant, she said that the economic austerity measures had the greatest impact on the poor, children and the aged in low-income households, and on groups with a high demand for health care and nutritional intake, such as pregnant and lactating women and persons with chronic illnesses. Residents of rural areas and young people, who experienced high unemployment rates, were also particularly susceptible to the austerity measures.

52. Efforts to mitigate the adverse effects of the austerity measures included the formulation of a human resources development programme, which was designed to: improve the efficiency and management of social services, particularly in health and education; expand food programmes for the most vulnerable groups (food stamps for low-income households, children under five, pregnant and lactating women, and the aged; school feeding programme); create jobs, especially for unemployed women and young people and those working in agriculture and the informal sectors; provide textbooks, either free of charge or for a rental fee, to all primary and secondary-school students; provide credit for small farmers; address housing, water-supply and sanitation problems.

53. In reference to question II (6) (b), she said there were no measurements for the quality of life in Jamaica, but surveys conducted in 1988 and 1989 by the Statistical Institute of Jamaica indicated that the incidence of poverty was greater in rural areas than in urban areas. Further, when expenditure on food was compared with what was necessary for a balanced diet, a large percentage of the population was found to be malnourished.

54. The food aid programme (question II (6) (c)) reached 1 million persons: 400,000 persons were targeted to receive food stamps, and 600,000 secondary-school children were covered by the school feeding programme.

55. Jamaica faced severe housing problems (question II (6) (d)). As of 1986, 121,000 households had lacked adequate water and sanitary facilities, and more than 26,000 dwellings had been in such bad repair that they could not be renovated. There was also considerable overcrowding. The incidence of "non-upgradable" housing was highest in the Kingston metropolitan area (8 per cent). The remainder of the housing stock was in acceptable condition or could be renovated. In Kingston, 87 per cent of households had piped water and toilets, 10 per cent had pit latrines, less than 6 per cent lacked piped water, and less than 1 per cent had no sanitary facilities at all. The situation was less satisfactory in other urban centres. However, the problem of overcrowding was worse in the Kingston metropolitan area than in the rest of the country.

56. In 1988, the Ministry of Construction had begun renovating 2,803 units (8 per cent more than in 1987) under various shelter programmes, including the new housing assistance programme, which provided construction loans to low-income families. The five year development plan proposed the renovation of 3,000 dwellings a year, 2,500 serviced sites and 2,000 loans for persons with low incomes.

57. The Government's shelter strategy (question II (6) (e)) basically consisted in: creating market conditions and facilitating resource flows to augment the supply of shelter; accelerating home improvement and the transformation of the housing stock to provide shelter of adequate quality to the population; making shelter programmes more accessible to the poor by facilitating low-cost solutions; encouraging greater private-sector participation in construction; and encouraging financial institutions to expand the financing available to the target income-groups. Approximately 77 per cent of benefits awarded by the National Housing Trust had gone to low-income groups (question II (6) (f)).

58. After hurricane Gilbert (question II (6) (g)), money had been provided for the shelter sector from the following sources: World Bank ($US 20 million), purchase of commodities; OPEC ($US 5 million), purchase of commodities and construction; IDB Japan ($US 4 million), purchase of commodities; KFW (DM 40 million), purchase of commodities; USAID ($US 5 million), purchase of commodities; UNDP ($US 300,000), co-ordination of reconstruction; UNCHS ($US 400,000), public education programme. Those funds had been used to meet the needs of those low-income groups (less than $J 18,000 annually) who had suffered as a result of the hurricane. Beneficiaries were required to establish the following: (a) that they had occupied the damaged house prior to the hurricane; (b) that they owned no other home and had no savings to do repairs without assistance; (c) that the unit was less than 500 square feet in area; and (d) that they were willing to repair their homes in accordance with safety guidelines.

59. Concerning standpipes (question II (6) (h)), the current policy was to maintain existing ones rather than install new ones.

60. Regarding the effect of the new Rent Act on the construction of new rental space (question VI (6) (i)), she was unable to supply statistical data. The present Government, which had requested assistance from UNCHS to review the question, was awaiting the arrival of a consultant. The majority of dwellings in Jamaica, approximately 85 per cent, were single-family detached houses; about half of dwellings were owner-occupied, one third were rented, and nearly 10 per cent were occupied rent-free.

61. According to estimates, total structures in 20 shantytowns had been 3,9 in 1960 and 11,494 in 1980. Towns such as Montego Bay, Negril, Ocho Rios an Spanish Town had experienced phenomenal growth of their squatter settlements. From 1970 to 1986, the average annual production of units had been 3,500, whereas 7,940 new households were formed annually. Presumably the remaining households had been absorbed by illegal housing. For the period 1989/1990-1990/1991, the Government would be implementing a programme for the upgrading of 3,454 settlements in Montego Bay and 1,695 serviced sites in Montego Bay, Ocho Rios and Negril.

62. To deal with the needs of female-headed households (question II (6) (k)) the Government had introduced programmes for increased access to financing.

63. The approach taken to squatters was to try to provide access to land and basic infrastructure. A major objective was not to dislocate residents in th project area, and no abuses had been reported.

64. Turning to the questions relating to the implementation of article 12 of the Covenant, she said that the Jamaican Government had taken the following measures to counter the deterioration in health services: (i) significant increases in remuneration of health personnel in the public sector; (ii) granting of 500 nursing scholarships; (iii) refurbishing of six hospitals; (iv) construction of five new health centres; (v) reinstatement of the Community Health Aid Programme, discontinued during the structural adjustment period 1983-1984, which focused on activities such as surveillance of malnourished children, family planning and assisting the aged; (vi) improvement of the capacity for conducting public health tests; (vii) improvement of the distribution of drugs; and (viii) establishment of a national foundation to manage and maintain property, buildings and equipment operated by the Ministry of Health.

65. Several priority projects had been adopted to improve the rural population's access to a clean water supply (question II (7) (b)); some were already being implemented, with financing by donor agencies. Jamaica did not have separate health statistics for the rural population. The Government had signed project agreements with the World Bank and the International Development Bank (IDB) aimed at effecting improvements in the health and education sectors, under which the World Bank and IDB would pay $US 30 million and $US 97.9 million respectively over a five-year period. The Government's contribution would be over $US 40 million. In addition, the Government had developed a broader human resources development programme to alleviate poverty (assistance projects and job creation, in particular through community-based micro-projects).

66. Turning to the questions relating to article 13 of the Covenant, she said that the illiteracy rate in 1987 had been 18.02 per cent (23 per cent among males aged 15 and over, and 13.3 per cent among females). The highest levels of illiteracy were among the 50-54 and 60-64 age groups. Geographically speaking, the illiteracy rate was lowest in Kingston (8.5 per cent) and highest in St. Elizabeth (32.6 per cent). The cuts in the staffing of the Jamaican Movement for the Advancement of Literacy (JAMAL) had been made under the policy of curtailing government expenditure.

67. Ninety-eight per cent of children in the 6-11 age group had been enrolled in primary schools during the school year 1987-1988; of that number 97.3 per cent had been in free public schools. School attendance was compulsory under the law. However, attendance was often lower than enrolment rates, and despite the authorities' efforts, the average daily attendance rate in 1987/1988 had been between 67 and 78 per cent only.

68. Her delegation would reply at a later date to the question on the implementation of article 15 of the Covenant.

69. Mr. DAO (International Labour Organisation) said that information on the ratification and implementation of ILO conventions by Jamaica was contained in ILO's eleventh report, which had been issued as document E/1986/6.

70. Regarding the right to work (Covenant art. 6), Jamaica had ratified several ILO Conventions, including the Abolition of Forced Labour Convention (No. 105), the Discrimination (Employment and Occupation) Convention (No. 111), the Social Policy (Basic Aims and Standards) Convention (No. 117), and the Employment Policy Convention (No. 122). The ILO Committee of Experts had asked Jamaica for full information on measures taken to implement the latter Convention, in particular in rural areas, and on implementation of the programme entitled Human Employment and Resources Twinning, which ILO had helped to set up.

71. Concerning employment of women, besides the ILO Discrimination (Employment and Occupation) Convention (No. 111), Jamaica had ratified the Equal Remuneration Convention (No. 100). Concerning the latter Convention, the ILO Committee of Experts had asked Jamaica for further details of wage differentials based on sex in various occupational categories and of the measures taken to eliminate those disparities.

72. Regarding the right to just and favourable conditions of work (art. 7), Jamaica had ratified two ILO Conventions; the Minimum Wage Fixing Machinery Convention (No. 26) and the Equal Remuneration Convention (No. 100), which also related to working conditions. It had also ratified the Labour Inspection Convention (No. 81). In that connection, the ILO Committee of Experts had in 1988 asked Jamaica for further information on labour inspectors' power to require measures with immediate executory force in the event of imminent danger to the safety and health of workers in workplaces. Since the representative of Jamaica had said that employers were not necessarily informed in advance of visits by those inspectors, he wished to make it clear that, under Convention No. 81, labour inspectors were not required to indicate their presence to an employer until they had arrived at the workplace. As to opportunities for workers to complain about dangerous

working conditions without fear of reprisals from employers, he reminded the Committee that, under ILO Convention No. 81, labour inspectors were required to consider any complaint they might receive from workers as strictly confidential.

73. Concerning the freedom to form and join trade unions (art. 8), Jamaica had ratified two ILO instruments on the question: the Freedom of Association and Protection of the Right to Organize Convention (No. 87), and the Right to Organise and Collective Bargaining Convention (No. 98). Concerning the right to strike, the ILO Committee of Experts had asked Jamaica to state what measures had been taken to restrict the powers of the Ministry of Labour in cases of work stoppage.

74. Regarding the right to social security (art. 9) Jamaica had ratified the Unemployment Indemnity in Case of Loss or Foundering of the Ship Convention (No. 8) and the Equality of Treatment (Accident Compensation) Convention (No. 19). The State party had mentioned, in paragraph 114 of its report, that the Jamaican social security régime was in conformity with the ILO definition of social security. He noted that, according to ILO standards, all social security régimes should be placed under the control of the public authorities, provide certain minimum benefits and also be founded on the principle of solidarity, i.e. not be financed solely from employers' and workers' contributions, but also from public funds.

75. Concerning protection of mothers (art. 10), Jamaica had not ratified any ILO instruments. Finally, regarding protection of children and young persons, it had ratified several ILO Minimum Age Conventions and the Medical Examination of Young Persons (Sea) Convention (No. 16).

76. Mr. SPARSIS said that it was essential to monitor the implementation of ILO Conventions ratified by States. In order to do so the Committee should have before it the annual reports which States submitted to ILO; Jamaica did not appear to have fully met that obligation.

77. He would also like further information on the human resources development programme, and in particular whether it applied only to unemployed persons wishing to re-enter the work-force or whether persons who had never worked could also be beneficiaries, how it was financed, and whether its formulation and implementation had been the subject of tripartite consultations.

78. As Cyprus had found, implementation of the ILO Equal Remuneration Convention (No. 100) might take several years, given the need for prior job evaluation. How did Jamaica plan to put that Convention into effect?

79. He also wished to know whether there was a minimum wage for children and young people, whether a maximum length of work time had been set for that age category, and whether certain types of work were prohibited for children.

80. With regard to an adequate standard of living, he asked what percentage of the Jamaican population was covered by collective agreements and legislation on minumum wages, and whether that legislation was determined by means of tripartite consultations or unilaterally by the Government.

81. Noting that Jamaica had ratified ILO Conventions No. 87 and 98, he asked whether it had also ratified the Labour Relations (Public Service) Convention (No. 151). If so, were civil servants free to conduct collective bargaining?

82. Regarding the ILO Labour Inspection Convention (No. 81), he asked whether labour inspection was of a general nature, i.e. whether it covered all applicable labour standards, or whether it was specialized, i.e. only concerning occupational hygiene or health standards, for example. How many inspectors were there and what was their work load?

83. Regarding employment and unemployment, he asked what proportion of the potentially-active population was without employment, what special measures had been taken to ensure full employment in conformity with the obligations set forth in the ILO Conventions, and whether there were programmes guaranteeing a mimimum standard of living to persons who had lost their job for reasons beyond their control.

84. Lastly, he asked to what extent workers and employers, through their respective organizations, took part in the decision-making process.

The meeting rose at 12.55 p.m.